

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.86 of 2004

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1. Radhey Shyam Upadhyay, son of Deodutt Upadhyay
 2. Shashi Bhushan Upadhyay, wrongly described in certified copy of decree under appeal as Chandra Bhushan Upadhyay son of Radhey Shyam Upadhyay
 3. Dipa Kuer, wife of Rajendra Upadhyay
 4. Singari Kumar, wife of Bhola Upadhyay
 5. Lallan Upadhyay, son of Rajendra Upadhyay
 6. Manoj Upadhyay, son of Lallan Upadhyay
 7. Shashi Kant Upadhyay
 8. Shanteshwar Upadhyay
 9. Tarkeshwar Upadhyay
 10. Baban Upadhyay, all sons of Rajendra Upadhyay
 11. Ajay (Minor)
 12. Abhay (Minor sons of Baban Upadhyay , under guardianship of Baban Upadhyay , father and natural guardian
 13. Dhananjay Kumar Upadhyay
 14. Mirtyunjay Upadhyay
 15. Pankan
 16. Pawan, all minor sons of Shashi Kant Upadhyay under the guardianship of their father and natural guardian
 17. Arbind Kumar Upadhyay, son of Shanteshwar Upadhyay
 18. Baldev Upadhyay (minor) son of Tarkeshwar Upadhyay, under the guardianship of their father and natural guardian
 19. Chandra Kant Upadhyay
 20. Sushil Kumar Upadhyay,
 21. Chandrabhan Upadhyay all sons of Radhey Shyam Upadhyay, residents of Village Akhori, P.S. Sonhan, District Kaimur (Bhabhua)
 22. Chinta Devi, wife of Nand Kishore Choubey, resident of Village Jagosaraon, P.S. Sonhan, District Kaimur (Bhabhua)
 23. Maya Devi, wife of Bhagwan Pathak, resident of Village Harla, P.S. Sonham, District Kaimur (Bhabhua) Defendants
- Respondents

..... Appellants
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Raj Muni Devi wife of Rajbansh Pandey, resident of Village Akhori, P.S. Sonhan, District Bhabhua Plaintiff Appellant

..... Respondents

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Appearance :

For the Appellant/s : Mr. Sangeeta Sharma
Mr. Ranjan Kumar Dubey
Mr. Rajesh Kumar Pathak
Mr. Ravi Shankar Duivedi
Mr. Binay Kumar Choubey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

10 15-03-2016

Mr. Partha Gaurav, Advocate, on the instruction of Mr. Ranjan Kumar Dubey, learned Counsel appearing for the appellants, has submitted that the brief of this appeal has been taken away from his office by the appellants. No one on behalf of the appellants has responded when this matter has been called out.

From the order sheet it transpires that on 15.2.2016 the prayer on behalf of the appellants for grant of two weeks' time to take steps for fresh service of appeal notice on the sole respondent was allowed. It further appears that the said order has not been complied with and the office report points out that this appeal has stood dismissed for default against the sole respondent and the formal order for dismissal of the appeal has been obtained.

As such, there is now no respondent in this appeal. Consequently, this appeal is dismissed as incompetent.

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(V. Nath, J.)