

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.4 of 1997

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1. District Manager, Food Corporation of India, District Saharsa	
2. The District Manager, Food Corporation of India, District Purnea	
3. The Regional Manager, Food Corporation of India, Arunanchal Building, Exhibition Road, Patna	
..... Defendants	Respondents
	 Appellants
Versus	
1. Kishore Trading Transport Agency, Saharsa through Radhey Shyam Agrawal the proprietor of the Firm	
2. Radhey Shyam Agrawal, son of Suraj Mal Agrawal, Proprietor Kishor Tradiiong Transport Agency, Saharsa	 Plaintiffs Appellants
3. The State of Bihar, through District Magistrate, Saharsa	
4. District Magistrate, Saharsa	
5. District Manager, Bihar State Food Corporation, Saharsa	
..... Defendants	Respondents
	 Respondents

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Appearance :

For the Appellant/s : Mr. Binod Shanker Tiwary
Mr. Arun Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

15 17-03-2016 Heard learned Counsel for the appellants, who has submitted that this appeal can proceed even in absence of respondent Nos. 1 and 2 on record.

From perusal of the judgment and decree under appeal it transpires that respondent Nos. 1 and 2 were the only two plaintiffs in the suit as well as in the appeal. In the present second appeal those two plaintiffs have been impleaded as respondent Nos. 1 and 2. From perusal of the office note it transpires that this appeal stood dismissed for default as against respondent nos. 1 and 2. It further transpires that the remaining respondent Nos. 3 to 5 were defendants in the suit.

In this view of the matter, there is no substance in the submission on behalf of the appellants that this appeal can proceed even in absence of the plaintiffs on record. As such, this appeal is dismissed as incompetent.

(V. Nath, J.)

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