

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.10 of 2002

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Ramekwal Mishra, son of Jagdeo Mishra, resident of Village Andahara,
Police Station Parsauni and District Sitamarhi Plaintiff Appellant
..... Appellant

Versus

1. Sri Ram Ayodhya Mishra, son of Chhedi Mishra
2. Chandradeo Mishra, son of Deonandan Mishra
3. Kapileshwar Mishra, son of Ramsarup Mishra
- 4(i). Shakuntala Kunwar, wife of Satyanarain Mishra
- 4(ii). Anil Kumar
- 4(iii). Sunil Kumar
- 4(iv). Sushil Kumar,
- 4(v). Sudhir Kumar, all sons of Satyanarain Mishra

All residents of Village Parsauni Dhanwar, P.S. Parsauni, District
Sitamarhi

4(v). Vibha Kumari Devi, wife of Krishna Nandan Singh, daughter of
Satyanarain Mishra, resident of Village Rasalpur, P.S. Dumra, District
Sitamarhi Defendant Respondents
..... Respondents

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Appearance :

For the Appellant/s : Mr. Partha Sarthy
Mr. Manish Kumar

For the Respondent/s : Mr. Gyan Chandra Roy
Mr. V.R.P.Singh

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

17 23-02-2016 Heard Mr. Partha Sarthy, learned Counsel appearing for
the appellant.

From perusal of the office note it transpires that this appeal
has stood dismissed for default as against respondent No. 4(iv) for
non-compliance of the peremptory order.

From perusal of the records as well as the submission on
behalf of the appellant it transpires that the appellant was the plaintiff
in the court below and the present second appeal has been filed
against the judgment and decree of affirmance. Respondent No.

4(iv) was one of the heirs of defendant-respondent No. 4.

In this view of the matter, after dismissal of this appeal as against respondent No. 4(iv), proceeding further with this appeal may result in inconsistent orders or conflicting decrees.

As such, this appeal is dismissed as incompetent.

(V. Nath, J.)

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