

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.233 of 2008

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Oriental Insurance Company Limited, Biharsharif, Nalanda

.... Appellant/s

Versus

1. Kaili Devi wife of Sri Chadrik Revidas @ Chadrika Ravi Das
2. Chandrika Ravi Das son of Late Jagarnath Ravidas
Both are residents of Village Sunderbigha (Charuipar), Post Office
Charuipar, Police Station Noorsarai, District Nalanda
3. Tufail Ahmad Khan son of Sri Neyaz Mohamad Khan, Village Deona,
Post Office Tilrath, Police Station Barauni, District Begusarai (Bihar)

.... Respondent/s

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Appearance :

For the Appellant/s : None

For the Respondent Nos. 1 and 2 : Mr.Ritesh Kumar, Advocate

Mr.Dhirendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

12 22-12-2016

From perusal of the office note dated 14.12.2016 it is apparent that the instant Misc. Appeal stood dismissed as against respondent no.3 on account of non-compliance of the Court's peremptory order dated 10.11.2016.

Despite repeated calls, none appears on behalf of the appellant to press the present Misc. Appeal, though the names of the learned counsel appearing on behalf of the appellant are printed in the daily cause list.

The learned counsel appearing on behalf of the respondent nos. 1 and 2 submits that present Misc. Appeal is barred by limitation and in view of dismissal of the Misc. Appeal against the respondent no.3, the whole Misc. Appeal has become incompetent and cannot proceed further.

The submission made by the learned counsel appearing on behalf of the respondent nos. 1 and 2 appears to be correct.

In above view of the matter, the present Misc. Appeal has become incompetent. Consequently, the Misc. Appeal, as a whole, stands dismissed, but without costs.

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(Birendra Prasad Verma, J)

