

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.387 of 1980

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Most. Kaushalya Kuar & Ors

.... Appellant/s

Versus

Ram Singar Singh & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nagendra Rai
Mr. R.P.Sharma
Mr. P.K.Shahi
Mr. A.K.Thakur

For the Respondent/s : Mr. Uday Shanker Sharan Singh

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

20 19-04-2017

Perused the office note dated 18.04.2017.

It appears that the appeal has already been dismissed for default against respondent Nos.1, 2(a) to 2(h), 3(a) to 3(e), 5 to 11, 13 to 16 and 18.

From perusal of the memo of appeal, it appears that the plaintiffs-respondents were respondent Nos.1 and 2 only. After death of respondent No.2, his legal representatives were substituted as respondent Nos.2(a) to 2(h).

Now, in view of the office note, the appeal has been dismissed against the respondent No.1 and the heirs of the deceased respondent No.2 who were the only plaintiffs in the court below in favour of whom the impugned judgment and decree has been passed. Now therefore, in absence of the plaintiffs-



respondents and/or their heirs, the impugned judgment and decree
neither can be set aside nor modified nor altered.

In my opinion, therefore, this appeal is incompetent to
proceed. Accordingly, the First Appeal is dismissed.

(Mungeshwar Sahoo, J)

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