

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.505 of 1980

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Syed Ali Imam Hussain

.... Appellant/s

Versus

Syed Maqsoodal Hassan

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. M.Ahsan Shahabuddin
Mr. Abbas Haider

For the Respondent/s : Mr. Ashok Kumar Verma
Mr. Zulfquar Ali Haider
Mr. Farooque Moozam

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

8 12-07-2017 Perused the office note dated 11.07.2017 and the order dated 27.11.2015.

It appears that the sole respondent died and the appellant was directed to file substitution application as the learned counsel for the respondent filed Interlocutory Application No.3628 of 2015 informing that the sole respondent had died. Admittedly no substitution application has been filed by the appellant within the limitation prescribed. Therefore, this first appeal has already abated against the deceased sole respondent in view of the provision as contained in Order 22 Rule 4(3) of the Code of Civil Procedure.

Since the appeal has already abated, now there is no



one to defend this first appeal. Therefore, this first appeal as a whole has become incompetent to proceed. Accordingly, this first appeal is dismissed as incompetent.

(Mungeshwar Sahoo, J)

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