

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.294 of 1990

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Sri Chaman Yadav

.... Appellant/s

Versus

Late Kesho Yadav through L.Rs & Ors.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Triloki Nath Maitin
Mr. Sudhir Kumar Vijpuria

For the Respondent/s : Mr. Ram Nath Sharma
Mr. Arun Kumar Tripathi

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

14 27-11-2017

This appeal arises out of judgment and decree passed in a partition suit. The appeal has already been dismissed as abated against respondent No.8 Sri Jaigobind Yadav who was one of the plaintiff to the suit .

Now the office has placed the file for necessary order whether the appeal would abate as a whole or not.

Since no decree can be passed in absence of the deceased respondent who was necessary party in a suit for partition, therefore, cause of action does not survive with the appellant in absence of respondent No.8.

Accordingly, it stands dismissed as abated as a whole.

(Birendra Kumar, J)

Nitesh/-

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