

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.190 of 1986

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Surya Kant Singh & Ors

.... Appellant/s

Versus

Jagdish Pd. Singh & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. T.S.Tatarvai
Mr. Arvind Kr.Tiwary
Mr. Rajendra Kishore Prasad

For the Respondent/s : Mr. Dr.M.P.Shukla
Mr. Sanjay Prasad N.1
Mr. Yamit Prakash

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

15 02-05-2017 Perused the office note dated 01.05.2017.

It appears that there were only two plaintiffs respondent in this Appeal. The name of respondent No.1 was deleted on the ground that the respondent No.2 is on record. Earlier, he was shown as major. Subsequently, he was declared as major and notices were sent to the respondent No.2. The appellant did not comply the order, therefore, the appeal has now dismissed against the respondent No.2. In such circumstances, there is nobody to represent the plaintiffs-respondents. The suit has been decreed in favour of the plaintiff respondent No.1 and 2. In such circumstances in absence of the respondent No.1 and 2 now the impugned order and decree neither can be altered nor modified nor



can be set aside. In my opinion, therefore this First Appeal has become incompetent to proceed.

Accordingly, this First Appeal is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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