

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.102 of 1985

Charan Singh & Ors.

.... Appellant/s

Versus

Gendra Mahato

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Yogendra Pd.Sinha No.1
Mr. Din Bandhu Singh
Mr. Abhay Kumar

For the Respondent/s : Mr. Mukundjee

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

36 03-02-2017 Perused the office note dated 02.02.2017.

It appears that the partition suit was contested by the defendant Ist set who are respondent in this present First Appeal as the plaintiff suit for partition has been dismissed. According to the office, the First Appeal has been dismissed against the defendant Ist set. In such circumstances, the Appeal has been dismissed against the defendant Ist set and many of the other defendants.

In view of the above facts now in absence of the contesting defendant-respondents, the impugned judgment and decree neither can be varied nor can be set aside nor modified as the impugned judgment and decree has become final.

In my opinion, this First Appeal has become incompetent to proceed. Accordingly, it is dismissed.

Sanjeev/-

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(Mungeshwar Sahoo, J)

