

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.281 of 1988

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Mukhtar Ahmad & Anr

.... Appellant/s

Versus

Moshtaque Ahmed

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramashish
Mr. Abdul Moid
Mr. .
Mr. .
Mr. .
Mr. .

For the Respondent/s : Mr. Sudhir Kr.Bijpuria
Mr. Kali Das Chatterjee
Mr. M.Ahsan Shahabuddin
Mr. S.A.Nasar Warsi
Mr. Shyam Kishore Sharma -1
Mr. Girish Pd.Gupta
Mr. Ram Sewak Choudhary
Mr. Kameshwar Prasad Singh
Mr. Syed Naiyer Ali
Mr. Raj Nandan Prasad
Mr. Obaidur Rahman

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

26 17-03-2017

Perused the office note dated 16.03.2017.

Nobody appeared on behalf of the appellants.

It appears that the partition suit filed by the plaintiffs-appellants has been dismissed. From perusal of the impugned judgment, it appears that defendant no.6 was Bibi Maimuna Khatoon, who is respondent no.6 in this first appeal. She had filed contesting written statement. According to the office note, the first



appeal has been dismissed against her along with other respondents mentioned in the office note dated 16.03.2017. Now, therefore, in absence of contesting defendant-respondent no.6, Bibi Maimuna Khatoon the impugned judgment and decree neither can be altered nor can be modified nor can be set aside. Therefore, this first appeal has become incompetent.

Accordingly, this first appeal is dismissed.

(Mungeshwar Sahoo, J)

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