

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.391 of 1989

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Ram Binod Choudhary & Ors.

.... Appellant/s

Versus

Most. Yogmaya Choudharain & Ors.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kr. Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

14 20-03-2017 Perused the office note dated 18.03.2017 read with
order dated 17.02.2017 and the office note dated 16.02.2017.

The learned senior counsel, Mr. Anil Kumar Jha submitted that in spite of his best effort, he could not contact the plaintiffs-appellants and, therefore, no step has been taken on behalf of the appellants. It appears that the appeal has already been dismissed for default against respondent Nos.1 to 12, 21 to 26, 29 to 37, 39, 40, 43 to 54, 66 to 70, 81 to 85, 102 to 107, 110 to 112, 114, 116 to 121, 134, 136 and 137.

From perusal of the judgment, it appears that the plaintiff's suit has been dismissed on contest of the defendant 1st party as well as defendant 2nd party i.e. defendant No.63. Since the First Appeal has already been dismissed against contesting defendants-respondents, the impugned judgment and decree become final against them. So, in absence of the said contesting



defendants-respondents, the impugned judgment and decree
neither can be varied, modified or set aside.

In my opinion, therefore, this First Appeal has become
incompetent to proceed. Thus, this First Appeal is dismissed.

(Mungeshwar Sahoo, J)

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