

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.62 of 1990

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Sri Nath Singh Kushwaha		Appellant/s
Versus		
Jagrup Singh Kushwaha		Respondent/s

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Appearance :
For the Appellant/s : Mr. Achhaibar Singh
For the Respondent/s : Mr. Prabhat Kumar Jha
Mr. Durga Nand Jha

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

25 10-04-2017 Nobody again appears on behalf of the appellant.

Mr. Ranjan Kumar Dubey, who is present on behalf of some of the respondents, has submitted that this appeal has become incompetent in view of the office note pointing out dismissal in default of the Interlocutory Applications for substitution and limitation as against the proposed heirs of the deceased respondent No. 1(a) and also deceased respondent No. 1(F)(ii).

As nobody has appeared on behalf of the appellant to show that this appeal can proceed even in absence of the heirs and legal representatives of those deceased respondents, this Court finds substance in the submission on behalf of the respondents.

As such, proceeding further with this appeal may result in inconsistent orders and conflicting decrees.

This appeal is therefore dismissed as incompetent.

Snkumar/-

(V. Nath, J.)

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