

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.28 of 1992

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Raj Narain College, Hajipur & Ors

.... Appellant/s

Versus

Braj Kishore Prasad Sahu & Ors.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Madan Mohan
Mr. Jayanandan Singh
Mr. Raj Kishore Thakur
Mr. Devendra Kumar

For the Respondent/s : Mr. Chandra Mauli Chaurasia
Mr. Mukesh Kr. Sinha

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

37 03-07-2017

Perused the office note dated 30.06.2017.

Nobody appeared on behalf of the appellants and the learned counsel, Mr. Samir Kumar is appeared on behalf of the B.R.A. Bihar University.

It appears that this first appeal arises out of the final decree. The plaintiff-respondent Nos.1 and 2 filed the partition suit which has been decreed finally. Now in view of the office note, the appeal has been dismissed against the respondent No.1 who was one of the plaintiffs. The impugned final decree is final so far respondent no.1 is concerned.

In such circumstances, the whole appeal become incompetent to proceed because in absence of respondent No.1,



the impugned final decree neither can be altered nor can be modified nor can be set aside.

Thus, this first appeal has become incompetent.
Accordingly, it is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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