

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.481 of 1992

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Shambhu Sharan Sharma & Anr

.... Appellant/s

Versus

Late Janak Prasad Sharma through L.Rs. & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar Singh
Mr. Arvind Kumar Tewary
Mr. Shiv Kumar

For the Respondent/s : Mr. Narendra Prasad Singh
Mr. Satish Kumar Sinha
Mr. S.P.Srivastava
Mr. S.Upadhyaya
Mr. S.S.Choudhury
Mr. Gopal Govind Mishra
Mr. Kundan Kumar Mishra
Mr. Md.Shubhani Hassan
Mr. Shakti Suman Kumar
Mr. Rajesh Ranjan-1

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

25 14-09-2017

No one appears on behalf of the appellants.

The office note dated 13.09.2017 reveals that the appeal has already been dismissed against the substituted heirs of deceased respondent no.1 for non-compliance of the peremptory order.

Now necessary order has been sought for as to whether the appeal would abate only against the legal heirs of respondent no.1 or as a whole.

This appeal is against the judgment and decree passed in a partition suit. Hence, cannot proceed in



absence of the legal heirs of the deceased respondents. As such, it would abate as a whole.

Accordingly, it stands dismissed as abated.

(Birendra Kumar, J)

Nitesh/-

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