

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.519 of 1998

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Shashi Devi @ Madhuri Nayak & Anr.

.... Appellant/s

Versus

Late Kameshwar Manjhi through L.Rs & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Murari Narain Choudhary

For the Respondent/s : Mr. Sukumar Sinha

Mr. Susanta Kumar Roy

Mr. Abinash Kumar

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

13 27-11-2017

No one appears on behalf of the appellants.

The appeal has already been dismissed for non-compliance of peremptory order dated 03.11.2017 against respondent Nos.1 (i) to 1 (vii).

Now the file has been placed for necessary order as to whether the appeal would abate as a whole or only against the aforesaid respondents.

The suit was brought by the deceased respondent Kameshwar Manjhi, for specific performance of contract which was dismissed and the dismissal was affirmed by the learned lower appellate court.

Since no cause of action survives in favour of the appellants in absence of the deceased plaintiff-respondent, hence the whole appeal would abate.



Accordingly, it stands dismissed as abated.

(Birendra Kumar, J)

Nitesh/-

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