

IN THE HIGH COURT OF JUDICATURE AT PATNA
First Appeal No.109 of 2002

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Md. Mobin

.... Appellant/s

Versus

Mostt. Shamsa Khatoon & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. S.S.Shabbar Hussain

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

18 07-02-2017 Perused the office note dated 6.2.2017.

It appears that appeal has already been dismissed against the respondent No.1 and 2.

From perusal of the impugned order, it appears that the defendant No.1 had filed contesting written statement in the Court below and this First Appeal arises out of partition suit. The plaintiff's partition suit has been dismissed because of contest by defendant respondent No.1. Against whom, the First Appeal has been dismissed. Now, therefore, in absence of the contesting defendant respondent No.1, the impugned judgment neither can be set aside nor can be varied nor can be modified. Thus, this First Appeal has now become incompetent to proceed.

Accordingly, this First Appeal is dismissed.

Sanjeev/-

(Mungeshwar Sahoo, J)

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