

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.201 of 1992

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Champa Kumari Sinha			Appellant/s
Versus			
Harakh Nandan Prasad			Respondent/s

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Appearance :
For the Appellant/s : Mr. Ravi Nath Verma
Mr. Rajiv Shanker
Mr. Gyan Prakash
For the Respondent/s : Mr. Chitragupta Pd.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

14 18-04-2017 Nobody appears either on behalf of the appellant or the respondent.

It appears that respondent No. 2 in this appeal died on 11.4.2012 and a petition for substitution (I.A. No. 3847 of 2012) was filed on behalf of the appellant for substitution of the heirs and legal representatives of the deceased respondent No. 2. However, the said Interlocutory Application stood dismissed for default.

It further transpires from the memo of appeal that the plaintiff is the appellant in this appeal and the respondent No. 2 was defendant in the suit. After the death of respondent No. 2 this appeal cannot proceed in absence of his heirs and legal representatives. As nobody has appeared either on behalf of the appellant or the respondents to show that this appeal can proceed in absence of heirs and legal representatives of the deceased respondent no. 2, proceeding further with this appeal may result in inconsistent orders and conflicting decrees.

This appeal is accordingly dismissed as incompetent.

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(V. Nath, J.)

