

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.290 of 1996

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Kamaleshwari Sharma & Ors			Appellant/s
Versus			
Mohammad Abdul Rauf Khan & Ors			Respondent/s

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Appearance :
For the Appellant/s : Mr. Subhro Sanyal
For the Respondent/s : Mr. Md.Abu Haider & Mr. Rama Nand Poddar

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

22 06-04-2017 Nobody appears on behalf of the appellants or the respondents.

Perused the office note, from which it transpires that the substitution petition (I.A. No. 8517 of 2010) has stood dismissed. This substitution petition has been filed for substitution of the heirs and legal representatives of the deceased appellant Nos. 1 and 3. Consequently this appeal has stood abated against the heirs and legal representatives of the deceased appellant Nos. 1 and 3.

From perusal of the memo of appeal it transpires that the aforesaid appellant Nos. 1 and 3 were the defendant 2nd party in the suit and had filed this appeal against the judgment and decree of affirmance. As the impugned judgment and decree has attained finality after its abatement as against appellant Nos. 1 and 3, proceeding further with this appeal may result in inconsistent orders and conflicting decrees.

Nobody has appeared on behalf of the appellants to show that this appeal can proceed even in absence of the heirs and legal representatives of the aforesaid deceased appellants.

As such, this appeal is dismissed as incompetent.

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(V. Nath, J.)

