

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.69 of 2004

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Bhrigunath Tiwary & Ors

.... Appellant/s

Versus

Ram Kumar Tiwary & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajiv Shankar Dvivedi
Mr. Ranjan Kumar Dubey
Mr. Sangeeta Sharma
Mr. Binay Kumar Choubey
For the Respondent/s : Mr. Arabind Nath Pandey
Mr. Varun Kumar

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

16 01-03-2017 Nobody appears on behalf of the appellants.

Perused the office note, from which it transpires that the substitution petition (I.A. No. 2994 of 2016) with regard to deceased respondent No. 2, has stood dismissed for default as against the proposed heirs of the said deceased respondent No. 2.

From perusal of the memo of appeal it appears that the deceased respondent No. 2 was one of the defendant-appellants in the appellate court below and the present appellants were plaintiff-respondents in the said court.

After dismissal of the substitution petition with regard to deceased respondent No. 2, proceeding further with this appeal may result in inconsistent orders and conflicting decrees.

Accordingly, this appeal is dismissed as incompetent.

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(V. Nath, J.)

