

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.94 of 2012

In
SA 214 of 2009

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Sri Devendra Kumar Singh S/O Shri Ratneshwar Prasad Singh R/O Village
- Dumari Khurd, Police Station - Majorganj, District - Sitamarhi
..... Petitioner.

Versus

1. Sri Krishnadeo Singh, Son of Late Mohan Singh, Resident of Barahi Hariram, P.S- Majorganj, District-Sitamarhi.(deceased).
2. Smt Mithilesh Devi Wife of Umesh Prasad Singh.
3. Shri Umesh Prasad Singh, Son of Shri Yugal Kishore Singh.
4. Shri Yugal Kishore Singh, Son of Late Brijnandan Singh.

Respondent nos. 2 to 4 are resident of Village- of Barahi Hariram,
P.S.- Majorganj, District-Sitamarhi.

--(Defendants)Respondents)(Respondents-Respondents.

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Appearance :

For the Petitioner/s : Mr. Vinay Kirti Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

8 18-03-2015 Heard Vinay Kirti Singh, the learned counsel
appearing on behalf of the petitioner.

This application has been filed seeking review of
the judgment and order dated 17.01.2012 by which the
S.A.No.214/09 was dismissed at the stage of hearing under Order
41 Rule 11 C.P.C.

The learned counsel has made the sole
submission in support of the prayer for review that the respondent

no.1 Krishandeo Singh died on 13.10.2011 leaving behind his wife as his only heir but the substitution could not be done when the appeal was taken up for hearing under Order 41 Rule 11 C.P.C and therefore, the judgment and decree has been passed against the heir of the said deceased respondent no.1. No other submission has been made on behalf of the petitioner.

After considering the submission and the facts and circumstances of the case, this Court finds that the second appeal was heard and dismissed at the stage of under Order 41 Rule 11 C.P.C. The stage obviously had not arrived for issuing notice to the respondents. In this view of the matter, this Court concludes that the judgment and order under review cannot be said to be against the heir of the deceased respondent no.1. There is, therefore, no merit in this review application, which is accordingly, dismissed.

(V. Nath, J)

Nitesh/-

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