

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Revision No.158 of 2014**

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1. Sunderpati Devi  
2. Sita Devi  
3. Kranti Devi @ Kunti Devi All daughters of late Naurang Singh All residents of village- Udaibhanpur, P.S.- Krishnagarh, District- Bhojpur

.... .... Petitioners.

Versus

1. Sanjay Kumar Singh  
2. Dhananjay Kumar Singh  
3. Sanjeev Kumar Singh  
4. Rajeev Kumar Singh All sons of Brijnandan Singh  
5. Ramdeo  
6. Bishundeo Singh  
7. Satydeo Singh All sons of late Naurang Singh All resident of Village- Galchaur Tola, Udaibhanpur, P.S.- Krishnagarh, District- Bhojpur.

.... .... Opposite Parties.

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**Appearance :**

For the Petitioner/s : Mr. Binod Kumar Singh, Adv.  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE V. NATH**  
**ORAL JUDGMENT**

2      23-11-2015

Heard Mr. Binod Kumar Singh, the learned

counsel appearing on behalf of the petitioners.

The present revision application has been filed against the order dated 11.07.2014 passed in Miscellaneous Case No. 07/2013 by the executing court dismissing the petition filed by the petitioners. At the outset, Mr. Singh, the learned counsel appearing on behalf of the petitioners has submitted that though the petition has been filed purportedly under Order 21 Rule 98, 99 and Section 151

C.P.C., those provisions are not attracted and it is only Section 47 C.P.C., which in the facts and circumstances is attracted.

The petitioners filed petition before the executing court claiming that they were the left out heirs (daughters) of one of the defendants namely Naurang Singh in the suit and therefore the decree passed in the suit was a nullity. The prayer was made to dismiss the execution case. It has however been accepted during the course of the submission on behalf of the petitioners after the death of the defendant Naurang Singh, his widow was substituted in his place. It is also apparent that the sons of Naurang Singh deceased are already parties in the execution case as judgment-debtors. In view of the full bench decision of this Court in the case of **Jagarnath Singh Vs Smt. Singhasan Kuer, 1984 PLJR 217** reiterating the doctrine of representation, the decree under execution in the present case cannot be said to be a nullity if some of the heirs of the deceased party have not been substituted.

This Court, after careful consideration of the facts and submissions, does not find any error of jurisdiction

or illegality in the impugned order.

The revision application is, accordingly,

dismissed.

(V. Nath, J)

Nitesh/-

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