

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.694 of 2016**

=====

Dilip Ram & Ors

.... Appellant/s

Versus

Rakesh Kumar & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Arun Kumar

For the Respondent/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 23-09-2016

Heard the learned counsel, Mr. Yogendra Prasad Sinha

for the petitioners.

Perused the impugned order dated 13.06.2016 passed by the Execution Munsif, Muzaffarpur in Execution Case No.14 of 1981 whereby the objection filed by the petitioners regarding the maintainability of the execution case at the instance of the heirs of the decree holder has been rejected.

From perusal of the impugned order, it appears that the decree holder had filed the execution case. The decree holder has died. The legal representatives of the decree holder are prosecuting the execution case. The heirs of the judgment debtor after death of the judgment debtor filed this application objecting that since the properties have been sold by the decree holder and/his heirs they have got no interest as such, this execution case should be dismissed. The learned Court below passed the impugned order

considering the submission of the learned counsel. At the time of hearing of this application, the petitioner is not able to point out under which provision this objection is filed and how the execution case is not maintainable at the instance of the heirs of the decree holder. The heirs of the decree holder can very well always maintain the execution case and, therefore, the learned Court below has rightly rejected the application/objection of the petitioner.

Thus, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

U		T	
---	--	---	--