

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.42 of 2016

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1. Sri Krishna Mishra , Son of Uday Chand Mishra
 2. Hari Kishun Mishra @ Chandeshwar Mihra Son of Sri Krishna Mishra
 3. Ramjeet Mishra, Son of Sri Krishna Mishra
 4. Anil Mishra, Son of Sri Krishna Mishra All Resident of village- Pinjoroin, P.S.- Sandesh, Distt- Bhojpur.

.... Petitioner/s

Versus

1. Sukhu Bhagat Son of Late Basjit Bhagat
2. Chain Kumar Son of Late Ram Dayal Bhagat
3. Ajay Kumar Son of Late Ram Dayal Bhagat
4. Nand Kumar Son of Late Ram Dayal Bhagat
5. Arun Kumar Son of Late Ram Dayal Bhagat
6. Ramjeet Son of Late Ram Dayal Bhagat
7. Bhajan Bhagat Son of Late Bal Kishun Bhagat
8. Somaru Bhagat Son of Late Bal Kishun Bhagat
9. Hari Prasad Bhagat Son of Late Bal Kishun Bhagat
10. Bimal Bhagat Son of Late Bal Kishun Bhagat
11. Ram Prasad Bhagat Son of Late Bal Kishun Bhagat
12. Dina Bhagat Son of Late Ram Bisun Bhagat
13. Sri Bhagat Son of Late Ram Bisun Bhagat
14. Uma Shankar Bhagat Son of Late Ram Bisun Bhagat
15. Sri Ganesh Bhagat Son of Late Ram Bisun Bhagat
16. Guru Charan Bhagat Son of Late Ramprit Bhagat
17. Hari Charan Bhagat Son of Late Ramprit Bhagat
18. Hargovind Bhagat Son of Late Ramprit Bhagat
19. Sudarshan Bhagat Son of Late Ramprit Bhagat
20. Birendra Bhagat Son of Late Ramprit Bhagat All 1 to 20 are Resident of Village- Pinjoroin, P.S.- Sandesh, District- Bhojpur.
21. Gopal Govind Mishra Son of Late Rajendra Mishra
22. Kundan Mishra Son of Late Rajendra Mishra Both 21 and 22 are Resident of Village- Pinjoroin, P.S- Sandesh, District- Bhojpur.
23. Uma Shankar Mishra Son of Late Sri Krishna Mishra



24. Gopal Mishra Son of Sri Chaturanand Mishra Both are Resident of Village-
Pinjoroin, P.S- Sandesh, District- Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Ghosarvey, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 08-03-2017

Heard Mr. Sanjay Kumar Ghosarvey, learned counsel
appearing on behalf of the petitioners.

By the impugned order, the learned court below has
refused to restore the Execution Case No. 103 of 1982 which was
dismissed for default on 09.11.1992.

After considering the submissions and perusal of the
impugned order as well as the materials on record, it is manifest that
the prayer for restoration has been filed by the present petitioners
claiming to be the heirs of some of the decree-holders applicants in
the execution case on 22.07.2015. The learned court below has come
to the conclusion that the prayer for restoration was barred by
limitation and further that the present petitioners as applicants were
not parties in the execution case where all the applicants were dead.
This Court, therefore, does not find that the learned court below has
committed error of jurisdiction or material irregularity in passing the



impugned order.

The revision application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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