

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.63 of 2017

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1. Janardan Raut @ Janardhan Yadav, Son of Rudal Raut.
2. Chanrika Raut @ Chandrika Rai, Son of Harihar Raut
3. Lallan Raut @ Lallan Yadav, son of Bishun Raut,
4. Durga Raut @ Durga Yadav, Son of Late Ramdin Raut, All resident of
Village- Sadiha, Police Station- Bhagwanpur, District- Siwan.

.... Petitioner/s

Versus

1. Birbal Raut, Son of Late Chandrama Raut.
2. Gopal Raut, Son of Late Ratan Raut.
3. Satan Raut.
4. Dhupan Raut.
5. Jitnarain Raut, All 3 to 5 sons of Late Gopal Raut.
6. Lutawan Raut.
7. Ghinawan Raut, Both sons of Late Sheopujan Raut.
8. Madan Raut
9. Baban Raut,
10. Kanhaiya Raut, All sons of Sheo Pujan Raut. All resident of Village-
Sadiha, Police Station- Bhagwanpur, District- Siwan.
11. Bhagmani Devi,
12. Bebi Kumari, Both daughters of Late Ram Saran Raut,
13. Jainath Raut, Son of Late Raghu Raut.
14. Sanjay Kumar,
15. Ranjai Kumar, Both sons of late Baijnath Raut.
16. Anirudh Raut.
17. Jagdish Raut.
18. Kashi Raut, All three sons of Pothi Raut.
19. Suresh Raut, Son of Ram Ashre Raut.
20. Sukai Raut.
21. Mukhai Raut, Both sons of Late Lal Bahadur Raut.
22. Sheolal Raut.
23. Achhelal Raut, both sons of Late Deou Raut.
24. Kari Raut,
25. Bhagelu Raut.
26. Mohar Raut, All three Sons of Late Algu Raut,
27. Wakil Raut, Son of Rudal Raut,
28. Shanti Kumari.
29. Nanhki Kumari, Both daughter of Late Harihar Raut.
30. Umrawati Devi.
31. Prabhawati Devi.
32. Ramawati Devi, All three Daughters of Late Bishun Raut, all 11 to 32
resident of Village- Sadiha, Police Station- Bhagwanpur, District- Siwan.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 19-09-2018 Heard Mr. Raghav Prasad, learned counsel for the petitioners.

The petitioners-judgment debtors have filed this civil revision petition against the order dated 13.02.2017 passed by Sub Judge I, Siwan in Misc. Case No.28 of 2011 by which the Misc. Case filed by the decree holder is allowed and the Execution Case No.9 of 1988 is restored to its original file.

Mr. Raghav Prasad, learned counsel for the petitioners submits that execution case was dismissed on 05.07.2006 but it is believable that the decree holder could not know about the result of the execution case and on flimsy ground the execution case has been restored. I find no substance in the submission of the learned counsel for the petitioner. It is apparent that the court having considered the material that the decree holder could not pursue the execution case due to some unavoidable circumstances and on account of death of a person, a decree holder, who was pursuing the case on behalf of decree holders.

Taking into consideration the facts, I find no error in the order. Accordingly, this civil revision petition is dismissed.

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(Prabhat Kumar Jha, J)