

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.503 of 2022

1. Sujeet Kumar Shah @ Sujit Kumar Saha son of Late Awadh Kishore Sah, resident of Rajendra Prasad Road Khalifabadh, Police Station- Kotwali, District and Town- Bhagalpur.
2. Jitendra Kumar Sah @ Jitendra Kumar Saha, son of Late Awadh Kishore Sah, resident of Rajendra Prasad Road Khalifabadh, Police Station- Kotwali, District and Town- Bhagalpur.

... .. Petitioner/s

Versus

1. Ashok Kumar Choudhary son of Late Ramdhin Choudhary and Late Kanak Lata Devi, resident of Thana Road Sultanganj, P.O. and P.S.- Sultanganj, District- Bhagalpur.
2. Kailash Prasad Choudhary, son of Late Ramdhin Choudhary and Late Kanak Lata Devi, resident of Thana Road Sultanganj, P.O. and P.S.- Sultanganj, District- Bhagalpur.
3. Sanjay Kumar Choudhary, son of Late Ramdhin Choudhary and Late Kanak Lata Devi, resident of Thana Road Sultanganj, P.O. and P.S.- Sultanganj, District- Bhagalpur.
4. Rajesh Kumar Choudhary, son of Late Ramdhin Choudhary and Late Kanak Lata Devi, resident of Thana Road Sultanganj, P.O. and P.S.- Sultanganj, District- Bhagalpur.
5. Ranjan Kumar Choudhary, son of Late Ramdhin Choudhary and Late Kanak Lata Devi, resident of Thana Road Sultanganj, P.O. and P.S.- Sultanganj, District- Bhagalpur.
6. Om Prakash Choudhary, son of Late Ramdhin Choudhary and Late Kanak Lata Devi, resident of Thana Road Sultanganj, P.O. and P.S.- Sultanganj, District- Bhagalpur.
7. Meena Devi, daughter of Late Ramdhin Choudhary and Late Kanak Lata Devi, resident of Thana Road Sultanganj, P.O. and P.S.- Sultanganj, District- Bhagalpur.
8. Dolly Bhagat, daughter of Late Ramdhin Choudhary and Late Kanak Lata Devi, resident of Thana Road Sultanganj, P.O. and P.S.- Sultanganj, District- Bhagalpur.
9. Baby Devi, W/o Late Bijay Sah, resident of Ramkola Road, Near Jagdish Cycle, P.O. and P.S.- Ramkola, District- Deoria (U.P.).
10. Smt. Sushma Devi, W/o Vijay Kumar Sah, resident of Goni Tola near Rani Sati Mandir, P.O., P.S. and Dist.- Katihar- 854105.
11. Seema Devi, W/o Bijay Kumar Sah, resident of S.B. Roy Road, near Old Gramin Bank Alankar Jewellery Nagar Thana, P.O. Deoghar, District- Deoghar- 814112 (Jharkhand).
12. Most. Renu Devi, W/o Late Raj Kishore Sah, resident of Dr. Rajendra Prasad Road, Khalifabagh, Police Station- Kotwali, District- Bhagalpur.
13. Chandra Kishore Sah, son of Late Raj Kishore Sah, resident of Dr. Rajendra



Prasad Road, Khalifabagh, Police Station- Kotwali, District- Bhagalpur.

14. Anand Kishore Sah, son of Late Raj Kishore Sah, resident of Dr. Rajendra Prasad Road, Khalifabagh, Police Station- Kotwali, District- Bhagalpur.
15. Prashant Kishore Sah, son of Late Raj Kishore Sah, resident of Dr. Rajendra Prasad Road, Khalifabagh, Police Station- Kotwali, District- Bhagalpur.
16. Nipur Bharti, daughter of Late Raj Kishore Sah, resident of Dr. Rajendra Prasad Road, Khalifabagh, Police Station- Kotwali, District- Bhagalpur.
17. Kaushal Kishore Sah, son of Late Ganga Sah, resident of Dr. Rajendra Prasad Road, Khalifabagh, Police Station- Kotwali, District- Bhagalpur.
18. Rekha Devi, W/o Late Shyam Kishore Sah, resident of Dr. Rajendra Prasad Road, Khalifabagh, Police Station- Kotwali, District- Bhagalpur.
19. Bablu Sah, son of Late Shyam Kishore Sah, resident of Dr. Rajendra Prasad Road, Khalifabagh, Police Station- Kotwali, District- Bhagalpur.
20. Kanhaiya Sah, son of Late Shyam Kishore Sah, resident of Dr. Rajendra Prasad Road, Khalifabagh, Police Station- Kotwali, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Dr. Manoj Kumar, Advocate.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-11-2022 Heard Dr. Manoj Kumar, learned counsel for the
petitioners.

The petitioners are judgment debtors in an eviction suit filed by the respondent/decreed-holder. The contention of the petitioners is that the decree has been passed jointly in favour of eight persons but only one of them has filed the Execution Case and in the verification portion it has not been stated that he has been filing the execution on behalf of others also. Accordingly, the submission is that the decree becomes in-executable.

The Title Eviction Suit No. 42 of 1985 was filed by the original plaintiffs and decreed-holders are the legal heirs of



the deceased original plaintiff late Kanak Lata Devi and present execution petition was filed by one of the plaintiffs/degree-holder No. 2 namely, Ashok Choudhary.

The provisions prescribed under Order XXI Rule 15 CPC is very clear under which one or more of the decree holders may apply for execution of the whole decree.

Accordingly, I do not find any merit in this application. The application stands dismissed.

(Anil Kumar Sinha, J)

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