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EX CIVIL 184/21  
RAVI KHUNTETA Vs. SANJAY RANA

22.09.2023

Present : Sh. Aman Mehta, Id. Counsel for DH.  
Ms Shivani Chauhan, Id. Proxy counsel for JD.

Arguments heard on the application for substitution of LRs of the deceased JD on behalf of Id. Counsel for DH.

Ld. Proxy counsel submits that main counsel is not well and can not appear for arguments. However, reply has already been filed to the application for DH for substitution of LRs.

On notice of the present execution petition being issued, it was found that the JD had expired. The brother of the JD had thereafter, appeared before this court and given a statement that the JD was survived by his mother Smt. Katari Devi and two minor children. It is admitted fact that the wife of the JD has also expired.

Section 50 of the CPC provides that where the JD dies before the decree has been fully satisfied, the holder of the decree may apply to the court which passed such decree to execute the same against the legal representative of the deceased. Though the provisions of Order XXII CPC under which the present application has been moved may not apply in the strictest sense, however, Section 50 of the CPC clearly provides that the court can execute the decree against the legal representatives of the JD. As per the law of succession, the mother of JD and his children would be the Class-I legal heirs and they would be liable

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to satisfy the decree to the extent of the property which has come into their hands in terms of Section 50 (2) of the CPC. Therefore, the application for impleadment of LRs of JD is allowed and application is therefore, disposed off accordingly.

The amended memo of parties filed is therefore, taken on record.

The next question that arises is the appointment of the guardian of the two minor children for the purposes of the present execution petition. An application has been filed by the brother of deceased JD praying to be appointed as the guardian of the two minor children whereas Id. Counsel for the DH submits that the proper guardian would be the grandmother Smt. Katari Devi.

Let the matter to come up for consideration of the same on the next date of hearing.

Let the reply to the application moved by the DH for deposit of decretal be filed within 3 weeks by the LRs of JD with advance copy to the opposite party.

Put up on **08.12.2023**.

**(DIVYANG THAKUR)**  
**ADJ-03/ SOUTH-WEST**  
**DWARKA/ NEW DELHI**  
**22.09.2023**