

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.R. No. 5 of 2024

CORAM : HON'BLE DR. JUSTICE S.N. PATHAK

For the Petitioner : Mr. Niladri S. Mukherjee, Advocate

For the O.P. Nos. 1&2: Mr. Prashant Pallav, Advocate

Mr. Gaurav Shukla, Advocate

06/ 12.07.2024 Heard the parties.

2. It is the specific case of petitioner that judgment and degree has been passed against a dead person, which cannot be executed and is impermissible in the eyes of law. Further, it has been argued that though an objection under section 47 of the Civil Procedure Code has been filed but the same was not entertained as legal heirs have not been made party. Averment to that effect has been made in para-15 of the objection filed under Section 47 of the Civil Procedure Code.
3. The said arguments of learned counsel for the petitioner is being opposed by learned counsel for the opposite party Nos. 1 and 2 and it is submitted that these are the disputed questions of facts as legal heirs were always parties there and judgment and decree was never executed against a dead person. It has been further argued that instant Civil Revision itself is not maintainable as already First Appeal is preferred by one of the brother namely, Dhananjay Kishore.
4. For further hearing, list this case after four weeks.

(Dr. S. N. Pathak, J.)