

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.R. No.14 of 2012

(Dasrath Oraon & Ors. Vs. Sanicharyia Orain)

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

For the Petitioners : Mr. Manoj Kumar Choubey, Advocate

For the O. Party : Mr. Rohan Thakur, Advocate

I.A. No.8792 of 2022

21/21.07.2023 The instant Interlocutory Application has been filed for substitution of legal heirs of petitioner No.3, who died on 25.11.2020, during the pendency of this civil Revision.

2. Learned counsel for the petitioners submits that the petitioner No.3 has already died on 25.11.2020, leaving behind his legal heirs. The name of the legal heirs of deceased petitioner No.3 as mentioned in para No.5 of the instant interlocutory application and as such, their names may kindly be substituted in place of sole petitioner, in the interest of justice and proper adjudication of the *lis*.

3. Learned counsel for the respondents have no objection to it.

4. Be that as it may, having gone through the interlocutory application and on being satisfied with the grounds taken in para 2 onwards of the instant Interlocutory Application, learned counsel for the petitioner is directed to delete the name of petitioner No.3 namely Mahabir Oraon @ Mahavir Oraon from the array of the parties and other records and in his place, name of his legal heirs as mentioned in para 5 of the said interlocutory application be substituted, within a period of two weeks'.

5. Office is directed to do the needful.

6. Accordingly, I.A. No. 8792 of 2022 stands allowed.

I.A. No.5605 of 2023

7. This interlocutory application has been preferred on behalf of the petitioners for stay of the proceeding of Execution Case No.8/2011 pending in the Court of Sub-Judge-IX, Ranchi.

8. Learned counsel for the petitioners submits that since the preliminary decree is challenged by the petitioners in the instant civil revision and if the

proceeding of said Execution Case is not stayed, instant Civil Revision will become infructuous.

9. Learned counsel for the opposite party vehemently opposes the contention of the learned counsel for the petitioners.

10. From perusal of the records, it appears that on an application being I.A. No.3111/2019 filed by the petitioners in S.A. No.248/2008, a Co-ordinate Bench of this Court vide order dated 03.05.2023 passed an order for maintaining status quo and thereafter, vide order dated 26.06.2023, it was observed that *correct position was not placed before the Court, by way of filing the I.A. No.3111/2019, the Court has been pleased to pass the order of status quo and accordingly, the status quo order stands vacated.*

11. Looking to the facts and circumstances of the case, no case is made out for stay of the execution case and as such, I.A. No.5605/2023 stands dismissed.

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12. Since, instant Civil Revision has already been admitted, put up this case under the appropriate heading in usual course.

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