

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. Filing No. 8948 of 2024

Sukhdeo Mahto & others

... **Appellants**

-Versus-

Raghunath Yadav & others

... **Respondents**

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellants : Mr. Himanshu Kumar Mehta, Advocate
Mrs. Manjusri Patra, Advocate
Mr. Vidhan Singh, Advocate

For the Respondents :

06/03.04.2025 With regard to defect no.96, I.A. No.2812 of 2025 has been filed stating therein that appellant nos.6, 7 and 8 and respondent nos. 4, 5 and 7 are not parties in the second appeal.

2. Mr. Himanshu Kumar Mehta, learned counsel for the appellants submits that the judgment has been passed against the dead persons and in view of that, the judgment itself is a nullity and, as such, the said I.A. has been filed for declaring the judgment as a nullity.

3. The case is still defective. The proper course of action on behalf of the appellants is to file a petition for substituting legal heirs/successors of the persons, who have left for their heavenly abode, however, that has not been done and the said I.A. has been filed for declaring the said judgment as a nullity. If a judgment is passed against the dead person, his/her legal heirs/successors are not remedy-less and they are entitled either to accept the decree or challenge it before the higher court and, as such, the appellants are required to file the I.A. disclosing the name of legal heirs/successors of the dead persons so that the dead persons can be represented through their legal heirs/successors.

4. Mr. Mehta, learned counsel for the appellants seeks four weeks' time to file the said I.A.

5. Let it appear after four weeks.

(Sanjay Kumar Dwivedi, J.)

Ajay/