

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15575 of 2014

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Ram Bilash Mahton son of Late Ram Kishun Mahto, resident of Village- Nagdah, P.S. - Muffasil, Pergana- Malki, Sub-Division, Sub-Registry and District- Begusarai.

.... Petitioner/s

Versus

Biran Paswan son of Late Balo Paswan, resident of Village- Nagdah, P.S.- Muffasil, Pergana- Malki, Sub-Division, Sub-Registry and District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pravin Chandra Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

3 24-09-2015 Heard the learned counsel for the petitioner on the interlocutory application as well as on the merits of the writ application.

Calling in question the impugned order by which the petition filed by the plaintiff-petitioner for recall of one witness (P.W.-1) for re-examination has been rejected, the present application under Article 227 of the Constitution of India has been filed.

After considering the submissions and the facts and circumstances, it is manifest that the learned court below has come to the conclusion that the provision under Order 18 Rule 17 C.P.C. it is only the court which can recall a witness and put such

questions as the court finds it proper. Accordingly, this Court does not find any error or irregularity in the impugned order.

The writ application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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