

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11465 of 2015

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Salendra Kumar @ Salendra Yadav

.... Petitioner/s

Versus

Punam Singh

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bam Bahadur Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 30-11-2015

Heard learned counsel Mr. Gajendra Kumar Jha for the petitioner and learned counsel Mr. Navin Kumar for the respondent on the Interlocutory Application No.6126 of 2015.

2. At the time of hearing of the interlocutory application the learned counsel submitted that the writ application may also be heard on merit in admission matter. Accordingly, I heard the parties on merit in admission matter also.

3. This application under Article 227 of the Constitution of India has been filed by the defendant-petitioner against the order dated 12.05.2015 passed by the learned Subordinate judge-IV, Patna in Title Suit No.18 of 2013 whereby the court below had directed the defendant-petitioner to produce witnesses day to day considering the conduct of the defendant, who is trying to delay the matter.

4. It appears that the case of the petitioner was closed

on 03.07.2014 and for one year the case was pending for evidence on behalf of the defendant. Therefore, the court below by the impugned order directed the petitioner to produce the witnesses on day to day basis. Admittedly, as submitted by the learned counsel for the respondent which is admitted by learned counsel for the petitioner that during this period from 12.05.2015 till today only one witness was examined by the petitioner. This shows the conduct of the petitioner.

5. In view of the nature of the order that only petitioner has been directed to produce evidence, in my opinion, it does not cause any prejudice to the petitioner nor occasion any failure of justice. Therefore, the impugned order cannot be interfered with. Accordingly, this writ application is dismissed. The court below is directed to proceed strictly as directed in the impugned order. Consequently the interlocutory application is rejected.

(Mungeshwar Sahoo, J)

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