

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.358 of 2014

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Sri Sunil Kumar

.... Petitioner/s

Versus

Sri Gautam Kumar Maurya & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudish Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 04-12-2015

Heard the learned counsel for the petitioner.

By the impugned order dated 02.12.2013 passed by Sub Judge I, Patna City in Title Suit No.327 of 2009 closed the evidence of the defendant-petitioner.

The learned counsel submitted that only on one date, the defendant-petitioner did not produce the witness but the court below has closed the evidence of the defendant.

From perusal of the impugned order, it appears that although Hajiri was filed in the case on behalf of both the parties but when the case was called on, nobody appeared. It further appears that no application was filed for time. There was no Hajiri of any witness also as directed earlier. Considering these aspects of the matter, the court below has closed the evidence of the petitioner.

So far the submission of the petitioner that there was

talk of compromise between the parties, therefore, no evidence was produced on that day is concerned, if in fact it was the fact, the petitioner may file the application before the court below for recall of the order dated 02.12.2013 and if such application is filed by the petitioner, the court below shall decide the same according to law without being influenced by this order of dismissal of the writ application. This order is passed on the submission of the learned counsel for the petitioner that still the status of the case is in same position.

With the above observation, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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