

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8863 of 2013

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Sarita Kuamri D/O Late Vidyanand Sah Resident Of Mohalla -
Vishwanathganj, P.S. Khagaria, District - Khagaria

.... Petitioner/s

Versus

1. Raj Kumar Gupta
2. Rajendra Prasad Gupta
3. Gopal Kumar Gupta
4. Subhash Kumar Gupta 1 to 4 S/O Kartik Lal Sah
5. Kartik Lal Sah S/O Late Ramautar Sah
6. Smt. Sarda Devi
7. Smt. Nirmala Devi
8. Smt. Shanti Devi
9. Smt. Manju Devi 6 to 9 D/O Kartik Lal Sah all Resident Of Mohalla -
Babuganj, Khagaria Pargana Khagaria, P.S. And District - Khagaria
10. Praod Kumar
11. Girdhar Kumar both Son Of Late Yidyanand Sah
12. Shobha Kumari
13. Sudha Kumari both Daughter Of Late Vidyanand Sah all Resident Of
Mohalla - Bishwanathganj (Khagaria), P.O. + P.S. And District - Khagaria

.... Respondent/s

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with

Civil Writ Jurisdiction Case No.7987 of 2013

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Sarita Kumari D/O Late Vidyanand Sah R/O Mohalla - Vishwanathganj,
P.S. - Khagaria, District - Khagaria

.... Petitioner/s

Versus

1. Raj Kumar Gupta
2. Rajendra Prasad Gupta
3. Gopal Kumar Gupta
4. Subhash Kumar Gupta 1 to 4 S/O Kartik Lal Sah
5. Kartik Lal Sah S/O Late Ramautar Sah
6. Smt. Sarda Devi
7. Smt. Nirmala Devi
8. Smt. Shanti Devi

9. Smt. Manju Devi 6 to 9 D/O Kartik Lal Sah all Resident Of Mohalla - Babuganj, Khagaria Pargana Khagaria, P.S. And District - Khagaria

10. Pramod Kumar

11. Girdhar Kumar both Son of Late Vidyanand Sah

12. Shobha Kumari

13. Sodha Kumari both Daughter of Late Vidyanand Sah Resident of Mohalla - Bishwanathganj (Khagaria) P.O. + P.S. And District – Khagaria.

.... Respondent/s

Appearance :

(In CWJC No.8863 of 2013 with CWJC No.7987 of 2013)

For the Petitioner/s : Mr. Manoj Kumar Singh, Adv.

Mr. Brajesh Kumar Pandey, Adv.

Mr. Dilip Kumar Roy, Adv.

For the Respondent/s : Mr. Kameshwar Pd. Gupta, Adv.

Mr. Binod Kumar, Adv.

Mr. S. K. Saraf, Adv.

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

8 17-09-2015 Heard the learned counsel for the parties. With the consent of the parties this writ application is being disposed of at this stage.

The controversy in the two writ applications now converges to the issue of examination of the petitioner Sarita Kumari as witness in T.S. No. 06 of 1990 in view of the submissions and materials on record. It is manifest that the suit for eviction on the ground of default in payment of rent has been filed in the year 1990 and the matter has lingered so far in spite of the directions by this Court and the other orders passed in the suit.



This Court at this stage is not inclined to go into the controversy on the allegations and counter allegations levelled by the parties. It also appears that both the parties have accused each other for delaying the disposal of the suit. This Court is of the opinion that the interest of justice would be served if the aforesaid suit of the year 1990 is disposed of at the earliest in accordance with law and procedure after granting an opportunity to the petitioner to examine her in the suit in order not to leave her disgruntled.

In this backdrop, the opportunity is allowed to the petitioner to examine herself in the suit on 30.09.2015 positively. It is made clear that this order is being passed in view of the categorical statement by the learned counsel for the petitioner in both the cases that no further evidence is to be led on behalf of the petitioner in the suit except her examination as a witness. It has also been stated by the learned counsel for the petitioner that after the examination of this petitioner Sarita Kumari as witness, the suit may be taken up for final hearing and disposal.

Accordingly, after setting aside the impugned order, the writ applications are disposed of with direction to the learned court below to examine the petitioner Sarita Kumari as witness in the suit on 30.09.2015 if she produces herself on that date for her examination as witness and if she fails to produce her on that date

for examination as witness in the suit no further opportunity shall be granted by the court for the said purpose and her evidence would stand closed and the suit will proceed for final argument. The learned court below is also directed not to grant avoidable and unnecessary adjournments to the parties, as the learned counsel for the parties before this Court, have also stated that they would instruct their client not to take unnecessary adjournments and co operate in disposal of the suit. The learned court below is directed to dispose of the suit preferably within three months after 30.09.2015 in accordance with law.

Both the writ applications are, accordingly, disposed of with the aforesaid observations and directions.

(V. Nath, J)

Devendra/-

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