

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.816 of 2016**

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Vipin Kumar @ Bipin Kumar Singh Son of Sri Basistha Narain Singh
Resident of Village : - Jagdishpur, P.O. : - Jarang Rampur, P.S. : - Vaishali
(Belsor O.P.), District : - Vaishali, Proprietor of M/s Vaishali Electric at
Bhagwanpur, P.S. : - Sadar, Anchal - Mushahari, District : - Muzaffarpur.

.... Appellant

Versus

Smt. Mukta Singh W/o Sri Awadhesh Kumar Prasad Singh, Resident of
Village-Bhagwanpur Sadar, P.S. - Sadar Muzaffarpur, District Muzaffarpur.

.... Respondent

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Appearance :

For the Appellant : Mr. Surendra Kishore Thakur,
For the Respondent : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

3 17-11-2016 Heard Mr. Surendra Kishore Thakur, learned counsel for
the petitioner and learned counsel for the respondent.

Perused the impugned order dated 16.07.2016 passed by
the learned Munsif, East Muzaffarpur, in Eviction Suit No. 19 of
2008 whereby the court below refused to recall the order whereby
the evidence of the defendant-petitioner has been closed.

From perusal of the impugned order, it appears that
sufficient opportunity was given to the petitioner and in fact he has
already examined 16 witnesses. Earlier also the evidence was
reopened on the prayer for the petitioner, but then he prayed for
time and after closure of the evidence, again he filed a petition for
reopening the case. It is admitted fact that eviction suit is on the

ground of personal necessity.

From perusal of the order impugned, it appears that the court below has clearly observed that petitioner is adopting dilatory tactics. I also find that approach of the petitioner is not bonafide.

Accordingly, the Civil Miscellaneous Application is dismissed.

(Mungeshwar Sahoo, J)

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