

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1462 of 2016**

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Raghunath Mahto

.... Appellant/s

Versus

Anupia Devi @ Naiki

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Uday Shankar Sharan Singh

For the Respondent/s : Mr.

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

ORAL ORDER

2 21-12-2016

Heard learned counsel for the petitioner.

Perused the impugned order dated 01.08.2016 passed by learned Subordinate Judge-VI, Patna City in Title Suit No.105 of 2011 whereby the learned court below has recalled the order fixing the case for ex-parte hearing and granted opportunity to the defendant-respondent to adduce her evidence

The only grievance of the petitioner is that several times the court below granted opportunity to the respondent herein to produce her evidence but with intention to delay the disposal of the suit she did not obey the order of the court and several times her case was closed and now again by the impugned order dated 01.08.2016 the court below has granted opportunity to her to adduce evidence on payment of cost. According to the learned counsel if this type of indulgence is granted to her then now she will not obey the impugned order also and after closure of her



evidence she will again file recall application.

So far this submission of the learned counsel is concerned, it may be mentioned that in future what will be done by the court below cannot be prejudged now while deciding the legality or otherwise and impropriety of the order impugned. If the submission of learned counsel for the petitioner is true then it is expected that the court below shall not grant unnecessary adjournment in the case as the grievance of the petitioner is that the respondent is adopting dilatory tactics. It is expected from the court that he will consider this aspect if in future this will be the act of the respondent. However, so far the impugned order is concerned, I find no jurisdictional error.

Thus, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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