

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.318 of 2016

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Ram Das @ Ram Das Das

.... Appellant/s

Versus

Bhavani Prasad

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Jyoti Ranjan Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 17-08-2016

Heard learned counsel Mr. Vikram Singh for the petitioner and learned counsel Mr. Muneshwar Prasad for the respondent.

Perused the order passed by the court below.

Learned counsel for the petitioner submitted that the petitioner will conclude his evidence within two months. Because of his illness the application was filed before the court below for granting time but the learned court below rejected the same and closed the evidence. According to the learned counsel, if the petitioner is not allowed to examine his witnesses, it will prejudice the petitioner and it will occasion failure of justice.

On the other hand, learned counsel for the respondent vehemently opposed the prayer and submitted that sufficient time was granted to the petitioner and the court below while adjourning the case directed the petitioner to pay the cost but the petitioner

did not pay the cost and, therefore, he is not entitled for the indulgence by the court below.

Admittedly the suit is of the year 2012. The defendant has examined only two witnesses. As submitted by learned counsel for the petitioner, within two months he will conclude his evidence.

In view of the submission of learned counsel for the petitioner, the order dated 21.04.2016 passed by the Subordinate Judge-I, Lakhisarai in Title Suit No.119 of 2012 is modified to the extent that the petitioner shall conclude his evidence within two months from the date of production of a copy of this order in the court below or from the receipt of a copy of this order by the Court communicated to it through office and for that the petitioner is directed to pay cost of Rs.1,000/- to the plaintiff-respondent in the court below. This cost of Rs.1,000/- must be deposited within 15 days in the court below and if it is deposited, the respondent is at liberty to withdraw the same. In no case the period of two months shall be extended by the Court.

With this observation/direction this civil miscellaneous application is disposed of.

(Mungeshwar Sahoo, J)

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