

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1231 of 2016**

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Rabindra Prasad Singh

.... Appellant/s

Versus

Smt. Saroj Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajit Kumar

For the Respondent/s : Mr.

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

2 25-11-2016

Heard learned counsel for the petitioner.

Perused the impugned order dated 19.04.2016 passed by Subordinate Judge-I, Begusarai in Miscellaneous Case No.16 of 2011 whereby the learned court below refused to recall the witnesses of the respondents.

It appears that the witnesses were examined by the respondents in the miscellaneous case in presence of the petitioner but intentionally did not cross-examine them on the ground that transfer petition is pending which was filed by the petitioner. Admittedly the title suit has been decreed ex-parte and for setting aside ex-parte decree miscellaneous case has been filed by the petitioner and in that miscellaneous case he is lingering the matter on one ground or the other by refusing to cross-examine the witnesses.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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