

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1270 of 2016**

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Shri Krishna Mohan Yadav @ Sarjug Yadav

.... Appellant/s

Versus

Sri Sita Ram Tiwary & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Prakash Mahto

For the Respondent/s : Mr.

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

ORAL ORDER

2 07-12-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 17.09.2016 passed by the learned Munsif, Jamui in Title Suit No.32 of 2001 whereby the learned Court below rejected the application filed by the plaintiff for reopening his case.

From perusal of the impugned order, it appears that the Court below has clearly recorded a finding that sufficient opportunity was granted to the plaintiff-petitioner. In spite of the opportunity granted to the plaintiff, he could examine only five witnesses and has also produced documents which have been marked exhibit but he intentionally delayed the matter. Ultimately, his case was closed in the year 2010 and the application has been filed for reopening the case in the year 2016 when many adjournments were granted for argument of the case. The evidence of the defendants has already been closed.



In view of the above facts that the Court below has passed a reasoned order on the basis of record and the fact that the plaintiff has already adduced evidences, there is no question of granting further opportunity on compassionate ground and in equitable jurisdiction arises.

Thus, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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