

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.907 of 2016

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Anil Chowdhary

Versus

Hari Nandan Chowdahry

.... Appellant/s

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mazharul Hassan

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 25-10-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 2.6.2016 passed by the Sub Judge Vth, Muzaffarpur in Title Suit No.69 of 2000 and Title Suit No.96 of 1976.

From perusal of the impugned order, it appears that both the suits aforesaid were directed to be heard analogously. It may be mentioned here that the evidence of both the suits are different. In Title Suit No.96 of 1976, the father of the present petitioner was party. On the death of father of the present petitioner, the petitioner was substituted on 22.3.2007. The case has been ordered for analogous hearing in the year 2014 and thereafter this application has been filed by the present petitioner for cross-examination of all the witnesses examined by the plaintiff in Title Suit No.69 of 2000. The learned Court below found that the witness has already been examined on behalf of the heirs of Bhola

Sah in Title Suit No.96 of 1976. D.W.9 is defendant No.1 who was substituted in place of Bhola Sah.

In view of the fact that the evidences of both the suits are different and that after the evidence was closed in suit of 1976, it has been directed that the same should be heard analogously with the present suit, the Court below rejected the application for recall of the witnesses examined by the plaintiff in Title Suit No.69 of 2000. Therefore, there is no illegality in the impugned order.

Accordingly, I find no reason to interfere with the impugned order and thus this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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