

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.6432 of 2015**

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Birendra Ram & Anr

.... .... Petitioner/s

Versus

Smt Shanti Devi & Ors

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Chandra Kant

For the Respondent/s : Mr.

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

4      12-08-2016      Heard the learned counsel, Mr. Chandra Kant, for the petitioner and the learned counsel, Mr. Sheo Nandan Prasad Singh, for the respondent.

By the order impugned order dated 30.03.2015, the learned Sub Judge VI, Siwan refused to recall the order closing the evidence of the defendant petitioner on 20.02.2015 in Title Suit No.179 of 2005. The evidence of the petitioner was closed on 20.02.2015 and immediately application was filed for recall of the same was filed which has been rejected on 30.03.2015.

According to the learned counsel only one witness has been examined and he offered that he will conclude his evidence within next three months from today.

In view of the submission of the learned counsel for the petitioner, this writ application is allowed and the impugned order dated 30.03.2005 is set aside and the order dated 20.02.2015

passed in the suit is hereby recalled. The petitioner evidence is reopened and he is permitted to examination his witness within three months from the receipt of a copy of this order in the Court below or from the date when certified copy of this order is produced before the Court below by any of the party.

**(Mungeshwar Sahoo, J)**

Sanjeev/-

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