

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6106 of 2016

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Ram Bilash Mahton

.... Petitioner/s

Versus

Biran Paswan

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 27-07-2016

The learned counsel, Mr. Nand Kishore Prasad Sinha for

the petitioner submitted that there is no harm in recalling P.W.1

for his further re-examination in the suit but the Court below has

rejected the prayer by the impugned order dated 14.01.2016

passed by Munsif II, Begusarai.

The Hon'ble Supreme Court in the case of **Vadiraj**

Naggappa Vernekar (deceased by L. Rs.) v. Sharad Chand

Prabhakar Gogate, AIR 2009 Supreme Court 1604 has held

that "the power under the provisions of O. 18 R. 17 is to be

sparingly exercised and in appropriate cases and not as a general

rule merely on the ground that his recall and reexamination would

not cause any prejudice to the parties.

In view of the above facts and circumstances of the case,

I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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