

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18708 of 2014

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Vidhan Chandra Brajesh , Son of Late Ram Prasad Singh , resident of village -
Motha , P.S.- Arwal , District-Arwal .

.... Petitioner/s

Versus

1. Surendra Prasad ,Son of Late Mahadeo Sao ,
2. Radhika Devi , Wife of Sri Jogendra Prasad.

Both are resident of village Purani Arwal Makhadumpur Kabir, P.s. Arwal, District
Arwal.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Adv

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 18-04-2016

Heard Mr. Arvind Prasad Singh, learned counsel appearing
on behalf of the petitioner.

2. By the impugned order, the learned court below has
refused to recall the order by which the evidence of the defendant-
petitioner has been closed.

3. After considering the submissions and perusal of the
materials on record, it transpires that by order dated 08.08.2014 and
05.09.2014, the evidence of the defendant nos. 1 and 2 in the suit
was closed and thereafter the prayer for recall of the said order has



been refused respectively but prayer on behalf of the defendant nos. 3 and 4 to lead evidence was allowed. It however further transpires from the order dated 17.09.2014 that the specific stand taken by the learned counsel for the defendant no. 1(petitioner) and defendant no. 2 was that only the evidence of the purchaser had remained to be adduced. The learned court below in the said order has further observed that the purchaser was actually the defendant no. 4, on whose behalf the evidence was being adduced and the defendant no. 4 would be examined on behalf of the defendant nos. 3 and 4. It has been found by the learned court below in the said order dated 17.09.2014, that the defendant nos. 1 and 2 even in view of these facts were insisting to file revision before the High Court.

4. After considering the aforesaid facts and circumstances as well as the stand on behalf of the petitioner that only the evidence of the purchaser (defendant no. 4) has remained, as noticed by the Court in the order dated 17.09.2014, this Court does not find it a fit case to exercise its jurisdiction under Article 227 of the Constitution of India. It has also transpired from the ordersheet of the suit that on behalf of the petitioner several adjournments had been taken and even the cost imposed for grant of adjournment was also not paid by the petitioner.

5. The present application, is accordingly dismissed.

However, the petitioner shall be at liberty to raise appropriate objection, if such occasion arises, as provided in Section 105(1) C.P.C.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
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