

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.23227 of 2011

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BIRENDRA PRASAD S/O LALJI PRASAD R/O RAMNAGAR, PURANI
BAZAAR, P.S.-RAMNAGAR, DISTT. WEST CHAMPARAN

.... PETITIONER/S

VERSUS

1. NAND KISHORE PRASAD

2. SUNIL PRASAD

BOTH SONS OF LALJI PRASAD R/O VILLAGE-RAMNAGAR
PURANI BAZAAR, P.S.-RAMNAGAR, DISTT. DISTT. WEST
CHAMPARAN.

.... RESPONDENT/S

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Appearance:

For the Petitioner/s : Mr. Umesh Chandra Verma, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 25-02-2016

Heard learned counsel for the petitioner as well as

learned counsel for the respondents.

Gone through the order impugned.

It is evident that after closure of the case of the petitioner, a prayer was made to recall giving the petitioner an opportunity to lead evidence further and the same was allowed vide order dated 13.04.2009 on a cost of Rs.500/- fixing the next date on 21.04.2009 during midst of which, petitioner was directed to deposit Rs.500/-, as cost. It is also incorporated that in case of non-deposit of the aforesaid amount, the privilege so granted in favour of petitioner will cease to survive. Subsequently thereof, on 21.04.2009 the learned lower court declined extension of time to deposit amount, whereupon privilege was lost. Hence this petition.

Considering the rival submission made on behalf of respective learned counsels as well as taking into account, nature of the order so passed by the learned lower court, the period is extended to be availed by the petitioner as within one

month from today at a cost of Rs.2500/- which should be deposited within the intervening period. In case of deposit, the learned lower court will grant two adjournments in favour of petitioner whereunder petitioner will produce all the witnesses.

With the aforesaid direction instant petition is disposed of.

Stay granted vide order dated 03.01.2012 is hereby vacated.

(Aditya Kumar Trivedi, J.)

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