

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10719 of 2012

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Hem Narayan Jha, son of Awadh Kishore Jha, resident of village and P.O.
Padumker, Police Station-Patahi, District-East Champaran.

Defendant/ Petitioner/s

Versus

Ishwari Nand Jha, son of Awadh Kishore Jha, resident of village and P.O.
Padumker, Police Station-Patahi, District-East Champaran

Plaintiff/ Opposite Party

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Appearance :

For the Petitioner/s : Mr. Md. Najmul Hodda--Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

05 04-03-2016

Heard learned counsel for the petitioner.

Because of the fact that the relief would be granted without appearance of the opposite party, therefore, the respondent is not being noticed.

Simple submission has been made on behalf of petitioner that on account of ailment, he was confined to bed from 25.05.2009 to 08.10.2009, as per medical advice. It has also been disclosed that on account of fracture sustained by his wife, was another circumstance which forbidden him. No date has been specified with regard to his wife. Furthermore, from the order impugned, it is evident that witnesses were produced by the respondent/ plaintiff on 12.11.2009 and since thereafter, that means to say, the witnesses were produced, after the aforesaid time whereunder petitioner has disclosed to be confined to bed.

Be that as it may, in the interest of justice at a cost of Rs.2500/- per witness, which shall be deposited one day prior to the date so fixed in the case, witnesses are directed to be recalled in case of fault at any date will blur the fate of the petitioner.

With the aforesaid direction/ observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

Vikash/-

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