

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.557 of 2015

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Syed Mohammad Nasir @ Syed Md. Nasir

.... Petitioner/s

Versus

Kalawati Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Nath Tiwary

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 01-03-2016

The learned counsel, Mr. Nawal Kishore Singh for the petitioner submitted that on the date i.e. 19.08.2014, application for time was filed by the petitioner for examination of witnesses but the Court below rejected the same without assigning any reason and closed the plaintiff's evidence without considering the fact that no witness has been examined on behalf of the plaintiff.

Perused the order passed by the Court below dated 19.08.2014 whereby the plaintiff's evidence was closed and the order dated 25.11.2014 whereby the application for recall was rejected. From perusal of the impugned order, it appears that no reason has been assigned by the Court below for rejection and in fact, cryptic order has been passed.

Since it is submitted on behalf of the petitioner that in spite of service of notice, by publication in newspaper, the defendants have not appeared in the suit itself nor they have filed

written statement, it is not necessary to issue notice on the respondents in this writ application.

Accordingly, in view of the fact that both orders passed by the court below are cryptic and non-speaking orders, therefore, both the orders are hereby set aside. The matter is remanded back to the Court below for passing a fresh order after hearing the petitioner and if in fact, the Court below will be satisfied then it is for the Court below to grant time to the petitioner for adducing evidence.

In the result, this writ application is allowed and the matter is remanded back to the court below with the directions made above.

(Mungeshwar Sahoo, J)

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