

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16614 of 2015

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Hari Sumiran Singh

.... Petitioner/s

Versus

Madhusudan Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Srivastava

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 08-03-2016 At the time of hearing of the interlocutory application being I.A. No.9267 of 2015 filed by the petitioner, the learned counsels for both the parties submitted that the writ application itself may be heard on merit in admission matter. Accordingly, I heard them on merit in admission matter.

It appears that in Letters of Administration Case No.227 of 2009 filed by the respondent No.1, an application under Order XVIII Rule 16 CPC was filed by the petitioners-respondents for examination of the attesting witness, Dr. Sudarshan Singh, as special witness on the ground that he is ill and if there will be delay in his examination as special witness, he may died and during the pendency of the L.A. case, the other attesting witness has already died. The Court below by the impugned order dated 11.09.2015 allowed the said application considering the

submission of both the parties and also considering the medical certificate and prescriptions recording a finding that it is necessary to examine the said witness as special witness in the interest of justice.

Since the Court below has exercised the jurisdiction vested in it by law after considering the facts and circumstances of the case, there is no question of interference of the impugned order in supervisory jurisdiction arises. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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