

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.835 of 2016**

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1. Arun Kumar Choudhary, S/o Late Baidyanath Choudhary, Resident of Village- Mahima Mona, P.O. & P.S. Goraul, District Vaishali, Proprietor of M/s New Vaishali Electric at Bhagwanpur, P.S. Sadar, District Muzaffarpur.

.... Appellant/s

Versus

1. Smt. Mukta Singh, W/o Sri Awadhesh Kumar Prasad Singh, Resident of Village- Bhagwanpur Sadar, P.S. Sadar Muzaffarpur, District Muzaffarpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kishore Thakur

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

3 17-11-2016 Heard Mr. Surendra Kishore Thakur, learned counsel for the petitioner and learned counsel for the respondent.

Perused the impugned order dated 16.07.2016 passed by the learned Munsif, East Muzaffarpur, in Eviction Suit No. 18 of 2008 whereby the court below refused to recall the order whereby the evidence of the defendant-petitioner has been closed.

From perusal of the impugned order, it appears that sufficient opportunity was given to the petitioner and in fact he has already examined 16 witnesses. Earlier also the evidence was reopened on the prayer for the petitioner, but then he prayed for time and after closure of the evidence, again he filed a petition for reopening the case. It is admitted fact that eviction suit is on the

ground of personal necessity.

From perusal of the order impugned, it appears that the court below has clearly observed that petitioner is adopting dilatory tactics. I find that approach of the petitioner is not bonafide.

Accordingly, the Civil Miscellaneous Application is dismissed

(Mungeshwar Sahoo, J)

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