

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12368 of 2014

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Punai Yadav @ Puniya Yadav, S/o Sri Thakuri Yadav, Resident of Mauza Usari,
P.O. Khanjahanpur, P.S. Buniyadganj, District Gaya

.... Petitioner

Versus

1. Most. Laxmi Devi, Widow of Late Sarju Mishra
 2. Smt. Vidya Devi, W/o Sri Sadanand Sharma and D/o Late Sarju Mishra
 3. Smt. Pramila Devi, W/o Sri Suresh Pandey and D/o Late Sarju Mishra
 4. Smt. Kumkum Devi, W/o Sri Sunil Pandey and D/o Late Sarju Mishra
 5. Smt. Karuna Mishra, W/o Sri Manoj Dutta Mishra and D/o Late Sarju Mishra
- All Resident of Mohalla Manpur Dakghar Lane, Police Station
Buniyadganj, District Gaya
6. Most. Samundri Devi, Widow of Late Narayan Vishwkarma, Resident of
Mohalla Kumar Colony, New Godown, Police Station Kotwali, District Gaya

.... Respondents

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Appearance :

For the Petitioner : Mr. Pramod Kumar, Advocate
For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 05-09-2016

Heard Mr. Pramod Kumar, learned counsel for the

petitioner.

The legal sustainability of the impugned order,

whereby the learned court below has recalled the earlier order closing
the evidence of the plaintiff and allowed the prayer of the plaintiff to
examine the witnesses related to the sale deed in question and
simultaneously also allowed the defendant to lead evidence in
rebuttal, has been questioned by the defendant under Article 227 of
the Constitution of India.

After considering the submissions and perusal of the

materials on record, it is evident that the legal validity of the sale deed

in favour of the defendant is directly under question in the suit. The learned court below after considering the facts and circumstances of the case, allowed the prayer of the plaintiff granting three dates to lead further evidence and also allowed the defendant to lead evidence in rebuttal.

This Court, in this backdrop, does not find any error or material irregularity in passing the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J.)

Kundan

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	