

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4269 of 2015

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Parvati Devi

.... Petitioner/s

Versus

Usha Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar, Advocate.

For the Respondent/s : Mr. Pankaj Kumar

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 11-03-2016

The learned counsel for the petitioner submitted that not a single witness has been examined on behalf of the present petitioner, who is rustic villager and illiterate lady.

The Court below refused to recall the order, whereby the petitioner's case was closed on the ground that sufficient time was granted. According to learned counsel if opportunity is not granted, the petitioner shall suffer serious loss and she will be greatly prejudiced.

Perused the order passed by Court below dated 24.04.2014 in Title Partition Suit No. 25 of 2003 by Sub-Judge-1st Patna.

From perusal of the impugned order, it appears that since prior to 2007 the case is being adjourned for production of witnesses by the petitioner who is defendant no.2 in the suit and lastly, her evidence was closed on 15.03.2007, which was recalled

on payment of cost of Rs. 700/-. Again when no witness was produced, her evidence was closed on 29.10.2007. Again on her prayer, case was reopened on 09.07.2008 on payment of cost of Rs. 700/- and then she examined the witnesses. Again her case was closed on 20.12.2012.

Considering these aspects of the matter, I find that sufficient opportunity was granted to the petitioner. In my opinion, therefore only on the ground of rustic illiterate village lady, no supervisory jurisdiction can be exercised under Article 227 of the Constitution of India. Thus, I find no reason to interfere with the impugned order. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Amit/-

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