

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5577 of 2015

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Medini Singh & Anr

.... Petitioner/s

Versus

Vinod Kumar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad No.-1

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 26-04-2016 Heard the learned counsel, Mr. Bhola Prasad for the plaintiffs-petitioners on I.A. No.2703 of 2016. At the time of hearing of this I.A., which has been filed for stay of the further proceeding in title suit in the Court below, the learned counsel for the petitioners submitted that the writ application itself may be heard on merit in admission matter. Accordingly, I heard him in admission matter.

The application under Article 226 of the Constitution of India has been filed. However, at the time of hearing of this application, this writ application is heard treating it as an application under Article 227 of the Constitution.

The plaintiff-petitioner is challenging the order dated 27.01.2015 whereby the Court below refused the prayer for time to adduce further evidence after reopening the plaintiff's case. It appears that the Title Suit No.149 of 2005 was filed by the

plaintiff-petitioner for declaration of title and confirmation of possession. The defendant filed contesting written statement. Both the parties adduced evidences and the case was fixed for argument. At this stage, application has been filed for reopening the case of the plaintiff. The Court below by the impugned order has rejected this prayer on the ground that what is the nature of the evidence which will be produced by the plaintiff has not been mentioned in the application.

In view of the above factual position that in fact, no documentary evidences were produced along with the application nor any prayer was made for recalling any witness or permission was sought for examining any witness, the learned Court below has rightly rejected the application, as such, there is no question of interference in exercise of supervisory jurisdiction arises.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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