

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11067 of 2015

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Pankaj Kumar

.... Petitioner/s

Versus

Kumari Vidya Devi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kishore Thakur

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 26-04-2016 Heard the learned counsel, Mrs. Madhvi for the
petitioner.

By the order dated 27.04.2015, the learned Principal Judge, Family Court, Muzaffarpur reopened the case of the respondent and allowed her to cross-examine only one witness i.e. witness No.1, Bisheshwar Upadhyay. Considering the fact that it is in the interest of justice, the wife should be allowed to cross-examine.

It is settled principles of law that for the ends of justice, the Court can exercise inherent jurisdiction under Section 151 C.P.C. and has the jurisdiction to reopen the case even the case is fixed for judgment as has been held by the Hon'ble Supreme Court in the case of **K.K.Velusamy v. N. Palanisamy, (2011)11 Supreme Court Cases 275.**

In my opinion, therefore, the Court below in the facts and

circumstances of the present case, has exercised inherent jurisdiction and, therefore, this Court refrained from interfering the impugned order in exercise of supervisory jurisdiction.

However, considering the fact that the suit is matrimonial suit of the year 2007, the Court below shall expedite the matter, if possible.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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