

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15734 of 2015

=====

Bhola Prasad

.... Petitioner/s

Versus

Sri Suresh Singh & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Kumar Manglam

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 20-05-2016

Heard the learned counsel, Mr. Kumar Manglam for the petitioner.

By the impugned order dated 03.09.2015, the learned Sub Judge I, Jehanabad in Title Suit No.110 of 2011 has allowed the application filed by the defendant and has expunged the evidence of Jai Prakash Tripathi who was only examined in-chief and no cross-examination was made by the plaintiff.

From perusal of the impugned order, it appears that after examination-in-chief, an application was filed by the defendant that the witness became ill, therefore, the case was adjourned for his cross-examination by the plaintiff. Subsequently, the application was filed that he is ill, therefore, his evidence may be expunged. By the impugned order, the Court below has allowed that application.

The learned counsel for the petitioner submitted that

cross-examination of the said witness is necessary in the suit. So far this submission is concerned, since there is no examination-in-chief and the evidence of said Jai Prakash Tripathi has already been expunged, there is no question of cross-examination of Jai Prakash Tripathi arises.

Therefore, the learned Court below has rightly passed the impugned order. I find no reason to interfere with the impugned order.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

U		T	
---	--	---	--