

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18982 of 2015

Idan Khatoon

.... Petitioner/s

Versus

Hasan Ansari

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 30-06-2016

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

Perused the order dated 17.08.2015 passed by Sub Judge IV, Saran at Chapra in Title Suit No.7 of 1996 whereby the Court below has rejected the application filed by the plaintiff-petitioner for exhibiting the depositions of three persons deposed in criminal case.

The learned counsel for the petitioner admitted the fact that the three persons Shivpoojan Singh, Mubarak Hussain and Hasnu Miyan are still alive. Further, they deposed in criminal case and it is not the case of the plaintiff-petitioner that the defendants have cross-examined them in the said criminal case. Moreover, at the time of hearing, the petitioner is unable to say as to what was the nature of criminal case.

In such view of the matter, particularly when the three

persons are still alive, in my opinion, the learned trial court has rightly rejected the application filed by the petitioner.

Therefore, it needs no interference in exercise of supervisory jurisdiction. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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