

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11182 of 2014

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1. Shiynath Chaudhary Son of Sri Inar Chaudhary Resident of Village Ahiyapur,
P.S- Gopalpur and District- Gopalpur.

.... Petitioner/s

Versus

1. Briksha Chaudhary Son of Late Shiv Badan Chaudhary
2. Bhagwat Chaudhary Son of Briksha Chaudhary Both resident of village-
Ratanpur, P.S- Gopalpr, District- Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anirudh Kumar Verma, Adv and Mr. Vyas
Kumar Mishra, Adv

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 26-07-2016

Heard learned counsel for the parties.

2. The defendant in the suit is the petitioner in this application questioning the legal sustainability of the impugned order by which the learned court below has accepted some documentary evidence on behalf of the plaintiff.

3. After considering the submissions and materials on record, this Court does not find that any illegality, error of jurisdiction or material irregularity has been committed by the learned court below in passing the impugned order. This Court

therefore, is not inclined to interfere with the impugned order.

4. The application is, accordingly, dismissed.

5. At this juncture, learned counsel for the petitioner has submitted that the petitioner has not been granted liberty to cross-examine the plaintiff or witnesses of the plaintiff. However, from the averments made in the petition it does not appear that any such prayer was ever made by the defendants before the learned court below.

6. However, in the interest of justice and after considering the submissions, the petitioner is set at liberty to make such prayer in the suit, which shall be considered by the court on its own merit without being prejudiced by this order and disposed of in accordance with law.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
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