

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.447 of 2016

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Kailash Chandra Sinha

.... Appellant/s

Versus

Hira Prasad & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjan Kumar Srivastava

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 26-08-2016

Heard learned counsel for the petitioner and learned

counsel for the respondents.

2. By the impugned order dated 04.04.2016, the learned Sub-Judge-III, Gopalganj, in T.S. No. 230 of 2006 only allowed the plaintiffs for their examination as witness after examination of the other witnesses rejecting the application filed by the defendant-petitioner under Order 18 Rule 3A C.P.C.

3. From perusal of the impugned order, it appears that the court below held that earlier the plaintiff was ill. Moreover, the provision is not mandatory rather, it is directory and the power of the Court is not ceased in special circumstances to allow examination of the party after examination of the other witnesses. Therefore, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this civil miscellaneous application is dismissed.

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(Mungeshwar Sahoo, J)