

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1416 of 2016**

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Sharda Devi & Anr

.... Appellant/s

Versus

Jogni Devi & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sajal Kumar Sinha

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 20-12-2016

Heard learned counsel for the petitioners.

Perused the impugned order dated 22.07.2016 passed by learned Additional Munsif-VII, Bhagalpur in Title Suit No.28 of 2008 whereby the learned court below rejected the application filed by the plaintiffs for permission to adduce two independent other witnesses.

From perusal of the impugned order, it appears that earlier the evidence of plaintiffs-petitioners was closed in the year 2014. The application was filed by the plaintiff for examining herself and her son and the court below allowed the same by order dated 13.02.2015. After examination of her son again the petitioners filed application for examining other two witnesses. This prayer has been rejected by the court below on the ground that earlier the evidence was closed in the year 2014 and on the application of the petitioners the case was re-opened. At that time



no prayer was made by the petitioners for examining other witnesses. When the court below allowed the petitioners to examine the plaintiff no.1 and her son again this application has been filed. In other words, the petitioners are moving to the Court in installment.

Considering the conduct of the petitioners, therefore, I find no reason to interfere with the impugned order passed by the court below. Thus, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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