

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14679 of 2014

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Wakil Ahmad

.... Petitioner/s

Versus

Kalawati Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 15-02-2016

Heard the learned counsel, Mr. Manoj Kumar for the petitioner and the learned counsel, Mr. Dhananjay Kumar Tiwary for the respondents.

Perused the order passed by the Court below.

From perusal of the order, it appears that the Court below has passed a reasoned order and has after considering the conduct of the tenant-petitioner in an eviction suit, filed for eviction on the ground of personal necessity, has held that only with a view to linger the proceeding, the tenant is now filing this application for recall of all the plaintiff's witnesses (seven in numbers).

From the order, it further appears that in all the dates, when the witnesses were being examined by the plaintiff, the hajiri was being filed by the tenant in the Court below but the learned counsel who was appearing on behalf of the defendant-petitioner

refused to receive the examination-in-chief and did not even cross-examine and thereafter at the time of argument of the case, this application has been filed.

Since the Court below has passed the reasoned order assigning good reasons, it cannot be said that the order is rational or illegal or the Court below has adopted the procedure not permitted by law.

In view of the above facts, in my opinion, it is not a fit case for interference in supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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