

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.181 of 2016**

=====

Ram Chandra Agrawal

.... Appellant/s

Versus

Usman @ Md. Usman & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Gopal Prasad Roy

For the Respondent/s : Mr.

=====

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

4 31-08-2016

Heard learned Senior Counsel Mr. Ray Shivaji Nath for
the petitioner on the Interlocutory Application No.6715 of 2016.

In view of the submission of learned Senior Counsel, this
interlocutory application is allowed and the legal representatives
of the deceased sole petitioner are substituted in place of the
petitioner after deleting his name. They have already appeared by
filing vakalatnama.

Heard learned Senior Counsel for the petitioner.

Perused the impugned order dated 09.03.2016 passed by
Munsif-I, Bhagalpur in Title Eviction Suit No.32 of 1994 whereby
the learned court below allowed the petition of the plaintiffs-
respondents for re-examination of P.W.25 after recalling him as
well as to adduce additional evidence.

It appears that the eviction suit was decreed. Civil
Revision was filed by the tenant being Civil Revision No.531 of

2005. This civil revision was allowed by judgment dated 11.09.2013 by the High Court and while allowing the civil revision application matter was remanded to the trial court directing the court below to decide the suit afresh in accordance with law and as the suit is of the year 1994, the court below was directed to permit the parties to adduce additional evidence. The court below was further directed to take up the matter expeditiously and dispose of the same as early as possible but not later than six months.

The order of the High Court in civil revision application has been affirmed by the Supreme Court by dismissing the S.L.P. filed by the landlord-respondent. The court below is now proceeding to decide the suit according to the direction of this Court in civil revision application, he filed the application for recall of P.W.25, which has been allowed by the court below.

In my opinion, therefore, no case for interference in supervisory jurisdiction is made out and accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

U			
---	--	--	--