

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14751 of 2015

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Ravi Dhandhanian

.... Petitioner/s

Versus

Nand Kishore Dhandhanian & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 22-06-2016

Heard learned counsel for the petitioner.

By the impugned order dated 03.07.2015 the learned Subordinate Judge-I, Sitamarhi allowed the application filed by the respondents under Order 18 Rule 16 of the Code of Civil Procedure and directed that Sushila Devi, the mother of the plaintiff-petitioner be examined as special witness by impugned order in Partition Suit No.289 of 2010.

It appears that the application was filed by the respondents stating that the mother of the plaintiff is old enough aged about 70 years, she is ailing, therefore, she may be examined as special witness. The court below has allowed the said application. The Court has jurisdiction to examine any person as special witness even prior to settlement of issues. Therefore, it cannot be said that the order passed by the court below is without jurisdiction. Sushila Devi is the mother of plaintiff-petitioner

herein, therefore, it cannot be said that the petitioner is prejudiced in any way. Accordingly, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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