

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1056 of 2016**

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1. Pushpa Patrick wife of Ambrosh Patrik resident of Mohalla- Hajiganj,
Patna City, District- Patna.

.... Appellant/s

Versus

1. Sri Harpal Kaur wife of Kamaljeet Singh resident of Mohalla- Hajiganj,
Patna City, P.S.- Chowk, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Prasad

For the Respondent/s : Mr.

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

ORAL ORDER

3 19-11-2016 Heard the learned counsel for the petitioner the

defendant-petitioner has filed this application under Article 227
against the order dated 24.5.2016, passed by Sub Judge-III Patna
City, in Eviction Suit No. 6 of 2000 whereby the evidence of the
petitioner has been closed.

At the time of hearing of this Civil Misc. Application
the learned counsel for the petitioner submitted that the plaintiff's
evidence was closed on 25.6.2012 and thereafter the evidence of
the defendant started. Ultimately when no witness was produced
on 24.5.2016 the evidence of the petitioner has been closed.

From perusal of the impugned order it appears that
the present petitioner did not produce the witness for examination
and therefore, the court below has closed the evidence. Now

therefore, in view of the above fact four years time had already been granted to the defendant for examination of his witnesses and when he did not examine any witness either on 16.5.2016 or 24.5.2016 his evidence has been closed. In such circumstances, in no case it cannot be said that the order is illegal or without jurisdiction or it is passed in the manner not permitted by law and thus I do not, find any reason to interfere with the impugned order.

Accordingly this Civil Misc. Application is dismissed.

(Mungeshwar Sahoo, J)

siddharth/-

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