

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.282 of 2017**

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Manjit Kumar Saha

.... Petitioner/s

Versus

Most. Kaushilya Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shri Prakash Srivastava

For the Respondent/s : Mr. Rishi Raj Sinha-Sc19

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

2 16-02-2017 The respondent No.34 has wrongly been added as party-respondent in this civil miscellaneous application. Therefore, the name of respondent No.34 i.e. State of Bihar is deleted.

Heard the learned counsel, Mr. Shri Prakash Shrivastava for the petitioner.

Perused the impugned order dated 11.01.2017 passed by learned Munsif, Baisi, Purnea in Title Suit No.340 of 1974 whereby the learned court below rejected the petition filed by the petitioner praying for permission to produce other two witnesses for examination as witnesses on behalf of the petitioner.

From perusal of the impugned order, it appears that the court below found that earlier joint written statement was filed by this petitioner along with other intervener defendants. The present petitioner appeared in the year 2016 and filed application that the



written statement filed earlier is not the written statement filed by the petitioner but in collusion, the other intervener-defendants filed the written statement on 07.10.2006 and also filed additional written statement on 19.03.2016 on his behalf. Thereafter, the petitioner was examined as witness in the case. The application was filed by the petitioner for examination of some more witnesses on his behalf. The court below found that when he is disputing the earlier pleading i.e. the written statement and there is no new written statement filed by the petitioner, there is no question of examining him as witness arises because there is no pleading filed by him.

In view of the above factual position, which is admitted by the learned counsel for the petitioner that the petitioner is denying to have filed the written statement and in fact, still today he has not filed any written statement, there is no question of allowing him to adduce evidence arises.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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