

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.542 of 2017

=====

Amitabh Kashyap Son of Late Pt. Ram Narayan Shastri, Resident of House No. M3/14, 'SHASTRI BHAWAN', Pt. Ram Narayan Shastri Marg, Road No. 11, Rajendra Nagar, Kadam Kuan, District Patna.

.... Appellant/s

Versus

1. Abhijit Kashyap Son of Late Pt. Ram Narayan Shastri, Resident of Flat No. 401- 402, 3rd Floor, Hemchath Dham Apartment, Patliputra Path besides Central Bank of India, Rajendra Nagar, District Patna.
2. Alka Sharma Wife of Sri Anil Ranjan alias Swami Anil Bharti, Daughter of Late Pt. Ram Narayan Shastri, Resident of 'GURUKRIPA BHAVAN' Ramkrishan Colony, Behind Bazar Samitee, P.O. Mahendru, Mussallapur, District- Patna.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Rakesh Kumar Shrivastava

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 03-07-2017

Heard Mr. Ganpati Trivedi, learned senior counsel for the petitioner and the learned counsel for the plaintiff-respondent.

By the impugned order the learned court below has recalled the earlier order dated 14.07.2016 and has granted two dates to the plaintiff to examine his witness with further direction that no further time would be granted.

It appears from the materials on record and consideration of the submissions that the learned court below has given reasons for passing the impugned order and this Court finds no perversity in the



same justifying interference in the discretion exercised by the learned court below. It has also been submitted on behalf of the petitioner that the said order had taken effect and the plaintiff had already examined the witness.

Mr. Trivedi, learned senior counsel for the petitioner has however, submitted that the present petitioner could not cross examine the witness produced by the plaintiff and therefore an opportunity be granted to the present petitioner to cross examine the said witness.

In the facts and circumstances of the case, this Court does not find any scope for invoking the jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order. This application is, accordingly, dismissed.

However, the petitioner shall be at liberty to file appropriate petition in the learned court below which shall be disposed of in accordance with law on its own merits.

(V. Nath, J)

Devendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	05.07.2017
Transmission Date	

