

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1459 of 2016**

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Poonam Sinha @ Poonam Singh

.... Appellant/s

Versus

Sri Bhola Prasad & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr.

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

ORAL ORDER

3 17-01-2017 Heard the learned counsel, Mr. Ranjan Kumar Dubey, for the petitioner and the learned senior counsel, Mr. S.S. Dwivedi, for the respondent No.1.

Perused the impugned order dated 21.09.2016 passed by Sub Judge IInd, Patna in Title Suit No.60 of 2009 whereby the learned Court below rejected the application filed by the petitioner for recall of the witnesses of the plaintiff for cross-examination by the petitioner.

It appears that joint written statement was filed by the defendant No.1 to 3 in the suit for specific performance of contract. Defendant No.1 and 3 admitted the plaintiff's case and they executed the sale deed in favour of the plaintiff. Only defendant No.2 is contesting. During the pendency of the suit itself, defendant No.3 died and then in her place, her daughter the present petitioner has been substituted. She has filed the



application for recall of the plaintiff witnesses for cross-examination by her. The Court below considering all these facts and circumstances of the case held that prima facie it appears that the petitioner has no title to the suit property because her mother has already executed sale deed in favour of the plaintiff and, therefore, if she has got any right, title or interest with respect to the property, she may file separate suit but in this case, she cannot be permitted to cross-examine the plaintiff witnesses when the contesting defendants has already cross-examined them.

From the facts stated above, as has been held by the Court below, I do not find any reason to interfere with the impugned order in exercise of supervisory jurisdiction.

Thus, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

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