

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1557 of 2016**

Rajendra Sah, son of Late Chandrika Sah, resident of Mohalla- Dindayal Nagar (Turha Toli) Siwan, P.O. and P.S. Siwn (Town) District- Siwan.

... .. Appellant/s

Versus

1. Anil Kumar,
2. Manoj Kumar,
3. Krishn Kumar,
4. Amit Kumar, All are sons of Late Nag Narayan Prasad,
5. Lalmati Devi, wife of Late Nag Narayan Prasad, All are resident of Mohalla- Kagji, Siwan, PO and PS Siwan (Town), District- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Akhileshwar Kumar Shrivastva
For the Respondent/s	:	Mr. Hitesh Suman

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 13-10-2017 Heard learned Counsel for the appellant and learned Counsel appearing on behalf of the respondents.

The petitioner, in the present application, under Article 227 of the Constitution of India, is aggrieved by an order, dated 15.09.2016, passed by learned Sub Judge I, Siwan, in Eviction Suit No. 5 of 2014, whereby he is said to have, without giving reasonable time for adducing evidence, has closed the evidence of the petitioner-defendant and the case has been fixed for judgment.

The respondents-plaintiffs are being represented by Mr. Hitesh Suman. Learned Counsel for the respondents submits that he does not intend to go into the technicality, as being raised on behalf of the petitioner-defendant and contends that



the respondents-plaintiffs do not have any objection if the petitioner-defendant is allowed to adduce evidence before the Court below.

Considering the above stand taken on behalf of the respondents-plaintiffs, the impugned order, dated 15.09.2016, passed in Eviction Suit No. 5 of 2014, is hereby set aside.

The Court below, in view of the stand taken on behalf of the respondents-plaintiffs, is directed to allow the defendant to adduce evidence. The Court below is further directed to ensure that the witnesses, if produced on behalf of the defendant, are examined within a period of one month from the date of communication of the present order.

If the petitioner-defendant fails to adduce evidence within the said period of one month, the Court below shall pass appropriate order and in that circumstance, the Court below shall not grant any time to the petitioner-defendant to adduce evidence.

This application stands disposed of with the above observation and direction.

Prabhakar Anand/-

(Chakradhari Sharan Singh, J)

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