

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21353 of 2012

=====

Rama Ashish Yadav, S/O Late Vishwanath Yadav, Resident Of Village Pathrahi, P.S. Lukaha, District Madhubani.

.... Petitioner

Versus

1. Sumitra Devi, W/O Kameshwar Sahu, Resident Of Village Pathrahi, P.S. Lukaha District Madhubani.
2. Yaso Yadav, S/O Dukhi Yadav, R/O Village Pathrahi, P.O. Basaniya, P.S. Lukaha, District Madhubani.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 29-11-2017 This writ application has been filed for quashing the order dated 06.10.2012 passed by learned Subordinate Judge-III, Madhubani in Title Suit No.04 of 2004 whereby and whereunder the payer of the petitioner to adduce oral and documentary evidence was refused.

2. Heard learned counsel for the petitioner as well as the respondents.

3. The petitioner is plaintiff of Title Suit No.04 of 2004. He has filed the aforesaid suit for specific performance of contract on the basis of deed of agreement. In course of trial, the plaintiff examined his witness on 24.07.2008 and thereafter he did not examine any witness on the following date and so his evidence



was closed. Thereafter on two following dates i.e. 25.09.2008 and 06.11.2008 two witnesses i.e. D.W.2 and D.W.3 were examined respectively. The defendants further examined D.W.7, D.W.9 and after examination of D.W.9 the case of defendants was closed on 10.02.2009. Thereafter the plaintiff filed a petition on 17.02.2009 to recall D.W.1 for his cross-examination which was allowed and D.W.1 was cross-examined on 21.03.2009. It further appears that a petition was filed by plaintiff on 13.09.2012 to reject the report of handwriting and finger print expert. The case was fixed for argument and during course of argument the plaintiff filed a petition for adducing evidence. The court below rejected his prayer considering the lingering attitude of the plaintiff. The case was filed in the year 2004 and after examination of eight witnesses on behalf of defendants, the plaintiff filed the present application for adducing oral and documentary evidence at the time of argument. The court below has rightly rejected his prayer.

4. In view of the above facts and circumstances, I do not find any merit in this application. Accordingly, this writ application is dismissed.

(Sanjay Kumar, J)

Harish/-

U			
---	--	--	--

