

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1572 of 2016

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Bishnu Kumar Raut & Ors

.... Appellant/s

Versus

Shiv Shankar Lal Das & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Gyanand Roy

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 09-01-2017 Heard the learned counsel, Mr. Gyanand Roy, for the petitioner.

Perused the impugned order dated 25.10.2016 passed by Sub Judge IV, Madhubani in Title Suit No.170 of 2009 whereby the learned Court below rejected the application filed by the defendant-petitioner for recasting the issues as suggested by the defendant.

It appears that earlier this Court in C.W.J.C. No.7819 of 2013 by order dated 26.04.2016 had granted liberty to the petitioner to draw attention to the Court below regarding the recasting of issues. In that order, the High Court clearly held that the Court can before pronouncement of judgment is quite competent to amend the issues.

The issues which have already been framed by the Court is quoted in paragraph 18 of this Civil Misc. application and



the issues which have been suggested by the defendant petitioner has been quoted in paragraph 26 of this Civil Misc. application. From perusal of these issues, i.e., the issues framed by the Court and the issues suggested by the petitioner, I find no difference. In fact, all the points which are being raised by the defendant in the suggested issues are included in the issues framed by the Court.

Thus, I find no reason to interfere with the impugned order and accordingly, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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