

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.181 of 2017**

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Anwar Alam & Ors

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amarnath Jha

For the Respondent/s : Mr. Ram Balak Mahto-Ag

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

2 02-02-2017 Heard the learned counsel for the petitioners. Nobody appeared on behalf of the respondent.

Perused the impugned order dated 21.10.2016 passed by Sub-Judge I, Saharsa in Title Suit No. 13 of 1998 and the order dated 11.07.2016 passed in the said suit whereby the evidence of the present petitioner was closed.

It appears that the present petitioners who are defendant nos. 4 to 7, 12, 13 in the court below were granted six years' time for producing their evidence. Their evidence was closed and thereafter the state-respondent was directed to produce evidence. The evidence of the state-respondent was closed on 30.08.2016 and thereafter these defendant-petitioners filed application for re-opening of their case.

Considering this aspect of the matter that sufficient opportunity was granted to the petitioners and the fact that they



have already examined 12 witnesses, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. The order passed by the court below in no case can be said to be an order passed arbitrarily or that it suffers from jurisdictional error or that the order is irrational order. Therefore, the learned court below has rightly closed the case and refused to recall the order.

Accordingly, this civil misc. application is dismissed.

(Mungeshwar Sahoo, J.)

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