

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1344 of 2016

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Godhan Prasad Singh

.... Appellant/s

Versus

Rahat Parween & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sanjay Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

3 09-01-2017 Heard the learned counsel, Mr. Shabir Alam, for the petitioner.

Perused the impugned order dated 12.09.2016 passed by Sub Judge-IV, Munger in Title Suit No.78 of 1990.

The suit is of the year 1990. The present petitioner filed written statement jointly with defendant No.2. Both the parties adduced evidences and thereafter, arguments were concluded. The case was fixed for judgment and at this stage, the defendant No.1 the present petitioner who is an Advocate filed an application for being examined as witness in the case on the ground that his earlier written statement is not his statement. The Court below considering the conduct of the petitioner and the statements which he now made in the application has rejected the prayer assigning reasons. The Court below on the application of the respondent marked the deposition of the petitioner given in another case as



exhibit in the present suit. Against this part also, the petitioner is objecting. However, since only his deposition has been marked as an exhibit, the relevancy or otherwise and / or the admissibility or otherwise of the said exhibit shall be considered at the time of hearing of the suit but at this stage, it appears that the petitioner with a view to delay the disposal of the suit is filing frivolous application and when the case was posted for judgment, the application was filed for being examined as witnesses.

Thus, this Civil Misc. application is dismissed with cost of Rs.5000/- to be paid by the petitioner to the respondent within one month failing which the cost shall be realized by the Court through the process of the Court.

(Mungeshwar Sahoo, J)

Sanjeev/-

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