

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22806 of 2013

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Sri Sunil Kumar Shrivastava, S/O Late Satya Nandan Prasad, Resident Of
Mohalla - Barahman Toli, P.S. - Muzaffarpur Town, District - Muzaffarpur

.... Petitioner/s

Versus

1. Kamlesh Kumar Ojha, Son Of Late Bishwanath Ojha, Resident Of
Mohalla - Kalambagh Road, Head P.O. And P.S. - Kazi Mohammadpur,
District - Muzaffarpur

2. Ramesh Kant Ojha, Son Of Late Bishwanath Ojha, Resident Of Mohalla -
Kalambagh Road, Head P.O. And P.S. - Kazi Mohammadpur, District -
Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Upendra Prasad II, Advocate

For the Respondent/s : Mr. Ashok Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

6 29-11-2017 This writ application has been filed to quash the order

dated 24.05.2013 passed by Special Execution Munsif,

Muzaffarpur in Title Suit No.16 of 1999 whereby and whereunder

the court below allowed the petition of defendants and recalled the

order dated 08.10.2009 wherein the evidence of defendants was

closed.

2. Heard learned counsel for both the parties and perused
the record.

3. The plaintiff of the aforesaid title suit is petitioner
before this Court. He has filed the suit for declaration of title and
confirmation of possession over the suit land. He has sought relief
with respect to survey entry in the name of defendants as illegal.



In the said suit the respondent 1st party filed written statement on 26.02.2003. The trial commenced and after closure of plaintiff's evidence, the defendants examined one witness. The defendants did not produce witness on 05.10.2009 and 06.10.2009 and so their case was closed as per order dated 08.10.2009. The defendants filed a petition on 21.11.2012 which after hearing was allowed subject to payment of cost to the tune of Rs.600/-. The defendants were directed to produce witness. The court below for the ends of justice has allowed the defendants to adduce evidence and as such it has not committed any jurisdictional error.

4. In view of the above facts and circumstances, I do not find any illegality in the impugned order requiring any interference. This writ application is accordingly dismissed.

(Sanjay Kumar, J)

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