

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.27 of 2018

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1. Abdul Rashid Ansari, S/o Late Abdul Rafique Ansari, resident of New Khajurbanna, Paththar Ki Masjid, P.S.- Sultanganj, P.O.- Mahendru, District- Patna.

.... Appellant/s

Versus

1. Smt. Shakuntala Devi, wife of Satya Narayan Prasad.
2. Satyajeet Kumar @ Deepak Kumar @ Sanjay.
3. Ranjeet Kumar @ Bablu Prasad.
4. Abhishek Kumar @ Mantu. 2 to 4 are sons of Late Satya Narayan Prasad. All residents of 'Satya Narayan Bhawan', Ashok Raj Path, Opp. Surgical outdoor (P.M.C.H.), P.S.- Pirbahore, P.O.- Bankipur, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mahendra Prasad Bhartee
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 18-04-2018 Heard both sides.

The petitioner has filed this petition against the order dated 25.07.2017 by which the evidence of the petitioner has been closed.

The petitioner is defendant in an eviction suit in which the petitioner wanted to examine one witness and produce some documentary evidence.

The learned counsel for the respondents submits that the suit is for eviction on the ground of personal necessity but on one pretext or the other the defendant took adjournment. After



closing the evidence on 25.07.2017 the suit was fixed for hearing on 08.08.2017 but on that date the petitioner filed a petition to recall the order, closing the evidence of the defendant, but the same was dismissed on 16.08.2017. The petitioner again filed a petition to admit some documents in evidence but the same was also dismissed on 15.09.2017.

Having heard the parties, I find that the defendant wants to examine one witness and produce some documentary evidence. If the defendant is not allowed to examine his witness and produce documentary evidence the defendant shall suffer irreparable loss.

Thus, I find that the learned Sub-Judge has committed jurisdictional error in closing the evidence of the petitioner. Accordingly, the order dated 25.07.2017 is set aside and this Civil Misc. petition is allowed.

The court below is directed to allow the defendant petitioner to examine witness and produce documents in accordance with law as evidence within one month from the next date fixed in the case.

(Prabhat Kumar Jha, J)

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