

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.37 of 2018

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1. Dr. Syed Shah Haseen Ahmed, Son of Late Syed Shah Nasim Ahmad, Sajjadanashin of Dargah Hazrat Diwan Shah Arzani, Resident of Mohalla- Dargah Shah Arzan, Police Station- Sultanganj, Town & District- Patna.

.... Appellant/s

Versus

1. Syed Shah Anzar Hussain, Son of Late Syed Shah Ashique Hussain, Resident of Mohalla- Dargah Shah Arzan, Police Station- Sultanganj, Town & District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Raj Shekhar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 28-08-2018

Heard the learned counsel for the petitioner.

The petitioner has filed this civil miscellaneous petition against the order dated 13.09.2017 passed by the learned Munsif, Patna City (Patna) in T.E.S. No. 24 of 2001 by which the learned Munsif allowed the prayer of the defendant for recalling P.W. 2 to 4 for further cross-examination.

The learned counsel for the petitioner submits that the petitioner is the plaintiff. He further submits that the defendant did not take proper interest while the plaintiff witnesses were being examined and therefore, at the stage of hearing, recall of the plaintiff witnesses is illegal.

I do not find the submissions of the petitioner



acceptable. The learned Munsif has rightly allowed the petition of the defendant to recall P.W. 2 to 4 for further cross-examination, as the learned counsel for the defendant remained ill and the defendant could not cross examine the witnesses of the plaintiff. The cost has also been imposed. Therefore, I do not find any reason to interfere with the order impugned.

Accordingly, the Civil Miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

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