

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1226 of 2018**

Md. Qaishar Azam @ Md. Quaisar Azam, son of Late Zainul Abedin, resident of Village- Daniyalpur, P.O.+P.S. and Sub Division- Teghra, Pargana Malki, District- Begusarai.

... .. Defendant/Petitioner

Versus

1. Bibi Habiba Waris, daughter of Late Zakir Ahsan
2. Bibi Abeda Khatoon, wife of Late Zakir Ahsan
3. Md. Shad, son of Dr. M. Baquer
4. Md. Firoz, son of Late Md. Rizwan
5. Md. Umar Rizwani, son of Late Md. Rizwan
6. Hasnain Akhtar son of Late Md. Rizwan
7. Anwari Fatima daughter of Late Md. Rizwan
8. Kausar Fatima daughter of Late Md. Rizwan
9. Nikhat Jahan daughter of Late Md. Rizwan
10. Zeenat Jahan, daughter of Late Md. Rizwan

All residents of Village- Daniyalpur, P.O.+ P.S. and Sub Division Teghra, Pargana Malki, District Begusarai.

... ..Plaintiff/Respondents 1st Set

11. Md. Nausherawan Adil, son of Late Zainul Abedin
12. Md. Taukir Azam, son of Late Zainul Abedin
13. Md. Nazim Azam, son of Late Zainul Abedin
14. Nelofar daughter of Late Zainul Abedin

All residents of Village- Daniyalpur, P.O.+ P.S. and Sub Division Teghra, Pargana Malki, District Begusarai.

... .. Defendants/Respondents 2nd Set

Appearance :

For the Appellant/s : Mr. Md. Fahimuddin
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 20-11-2018

Heard the learned counsel for the petitioner.

The petitioner has filed this civil miscellaneous petition against the order dated 09.05.2018, passed by the learned Munsif, Teghra, Begusarai in Title Suit No.85 of 1993 by which the petition of the petitioner-defendant for expunging the evidence of DW9 has been dismissed.



The learned counsel for the petitioner submits that the petitioner filed the evidence of DW9 on affidavit but DW9 gave evidence contrary to the case of the defendants and, therefore, the evidence of DW9 should have been expunged but I find no substance in the submissions of the learned counsel for the petitioner. DW9 in cross-examination divulged certain facts contrary to the interest of the defendants and on this ground the evidence of DW9 cannot be expunged.

Accordingly, I do not find any merit in this civil miscellaneous petition and the same is dismissed.

(Prabhat Kumar Jha, J)

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