

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CIVIL MISCELLANEOUS JURISDICTION No.34 of 2016**

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Bidya Devi wife of late Kailash Prasad resident of village/Mohalla- Adarsh Nagar  
ward no. 16, Araria, PS+District Araria.

.... .... Petitioner

Versus

1. The State of Bihar, Patna through the Collector, Araria PO+PS+District Araria.
2. The Collector, Araria.
3. The Land Acquisition Officer, Araria.
4. The Circle Officer, Araria, PO+PS-District Araria.
5. Baleshwar Paswan Son of late Gharib Paswan
6. Lakhindra Paswan Son of late Chhaguri Paswan
7. Gayanand Paswan
8. Muneshwar Paswan
9. Sitananand Paswan
10. Togi Paswan All are NO. 7 are sons of Garib lal Paswan.
11. Rajesh Paswan Son of late Natal Paswan All no. 5 to 11 are resident of village-  
Baijnathpur, tola, Gidar, PS+ District Araria.
12. Gauri shankar Yadav
13. Satrudhan Prasad Yadav Both are Son of Dhiro Yadav resident of Mohalla-  
9/14 Araria Nagar Parishad , Po+PS Araria, District Araria.

.... .... Respondents

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**Appearance :**

For the Appellant/s : Mr. Dshirendra Kumar Trivedi

For the Respondent/s : Mr. Sheo Shankar Prasad, SC-10.

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

ORAL JUDGMENT

**Date: 11-04-2018**

Heard both sides.

The petitioner has filed this Civil Miscellaneous petition against the order dated 01.02.2016 passed in T.S. No.431/1969-81/2008 by which the learned Sub Judge-1<sup>st</sup>, Araria dismissed the petition of the petitioner, allowing her to examine as a witness in both the suits.

The petitioner is the plaintiff in T.S. No.81/2008 and



defendant in T.S. No.431/1969 but the petitioner could not give her evidence as defendant in T.S. No.431/1969 and Plaintiff in T.S. No.81/2008 and her evidence has been closed. The petitioner would suffer irreparable loss. Of course, the evidence of the petitioner has been closed but the suit is very old. Therefore, in the interest of justice, I find that the petitioner should be allowed to adduce her evidence in both the suits subject to payment of Rs. 10,000/- to the defendant.

Accordingly, the order dated 01.02.2016 passed in T.S. No.431/1969/81/2008, which were ordered to be heard analogously is set aside and the petitioner is allowed to adduce her evidence in both the suits within two months from the date of receipt of this order subject to payment of Rs.10,000/-, which shall be payable to the defendant.

**(Prabhat Kumar Jha, J)**

Amit/-

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| AFR/NAFR          | NAFR |
| CAV DATE          | NA   |
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