

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6637 of 2013

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Sanjeev Kr. Singh Son Of Late Rajendra Singh Kaushap Resident Of
Village Dubar Chapra Police Station- Amnaur District- Saran

.... Petitioner

Versus

1. Yogendra Roy Son Of Gopal Roy Resident Of Village- Bishunpur
Police Station Amnor District- Saran
2. Kanhaiya Roy Son Of Gopal Roy Resident Of Village- Bishunpur
Police Station Amnor District- Saran
3. Yogendra Pd. Singh Resident Of Village- Babar Chapra Police Station-
Amnour District- Saran
4. Ravindra Kr. Singh Resident Of Village- Babar Chapra Police Station-
Amnour District- Saran
5. Surendra Singh Resident Of Village- Babar Chapra Police Station-
Amnour District- Saran
6. Birendra Singh Resident Of Village- Babar Chapra Police Station-
Amnour District- Saran
7. Amrendra Kumar Singh S/O Late Ram Padarath Singh Resident Of
Village- Babar Chapra Police Station- Amnour District- Saran
8. Rajendra Singh Son Of Sital Singh Resident Of Village Dubar Chapra
Police Station Amnour District- Saran
9. Ramayan Singh Son Of Kumar Singh Resident Of Village- Mauza
Bargra Police Station Baudpur District- Saran
10. Dudhnath Singh Son Of Kumar Singh Resident Of Village- Mauza
Bargra Police Station Baudpur District- Saran

.... Respondents

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Appearance :

For the Petitioner : Mr. Vikram Singh, Advocate

For the Respondents : Mr. Arun Kumar Rai, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 03-01-2018 This application has been filed to quash the order dated

13.07.2012 passed by Additional Munsif, Chapra in Title Suit

No.66 of 1996 whereby and whereunder the learned court below

rejected the petition filed by the defendant on 02.06.2012 and

fixed the case for evidence of plaintiff.

2. Heard learned counsel for the petitioner as well as the
respondents.



3. It appears that the aforesaid Title Suit No.66 of 1996 was pending for evidence. In course of trial, the plaintiff was examined as PW-3 and he was discharged as nobody appeared for his cross-examination. The court below on the petition of defendant allowed his cross-examination subject to payment of cost of Rs.1500/-. The case remained pending for cross-examination for twelve consecutive dates and the witness was again discharged. The prayer of petitioner was again allowed on 07.02.2012 subject to payment of Rs.300/- as cost and again on 07.02.2012 subject to payment of Rs.100/-. It appears that the case is pending for cross-examination of plaintiff and his witnesses. In the impugned order, the court below considering the laches on the part of the defendant has refused to permit him from cross-examining the plaintiff. The petitioner is willing to contest the case by cross-examining the plaintiff/his witnesses.

4. Be that as it may. In the interest of justice, the impugned order dated 13.07.2012 is set aside and this application is allowed subject to payment of cost of Rs.5,000/- to the plaintiff by this petitioner before the court below. This application in above terms is allowed.

(Sanjay Kumar, J)

B.Kr./-

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