

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.210 of 2016

Madhu Anand son of Shri Shambhu Prasad (grandson of Late Narayan Prasad) resident of Ward No. 25, Nagar Parishad, Supaul, P.S. + District - Supaul.

... .. Appellant/s

Versus

1. Mosmat Ahilya Devi w/o Late Bijay Prasad
2. Ritu Kumari wife of Shyam Lal Prasad
3. Girdhari Prasad son of Bijay Prasad
4. Pankaj Kumar son of Bijay Prasad
5. Shambhu Prasad son of Late Narayan Prasad
6. Pramatra Prasad son of Late Sudarshan Prasad
7. Chandan Prasad son of Late Sudarshan Prasad
8. Kundan Prasad son of Late Sudarshan Prasad
9. Preeti Kumari wife of Jitendra Kumar
10. Jyoti Kumari wife of Pandav Kumar All are residents of Ward No. 25, Nagar Parishad, Supaul, P.S. + District - Supaul.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Amrit Abhijat
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

8 30-11-2018 Heard both sides.

The petitioner has filed this Civil Misc. petition against the order dated 09.02.2016 passed by learned Additional District Judge-III, Supaul in Probate Case No. 2/2004 by which the petition of the petitioner for time to adduce evidence on ground of illness of his son has been rejected and evidence of the petitioner has been closed.

The learned counsel for the petitioner submits that only one witness was to be examined on behalf of the petitioner and since he was engaged in the treatment of his son, therefore,



time petition was filed but the learned court below rejected the time petition and also closed the evidence of the petitioner fixing the case for evidence of opposite party.

It appears that no cogent reason has been given for rejecting the time petition of the petitioner and the evidence of the petitioner has been closed. If the petitioner is not allowed to examine his witness the petitioner shall suffer irreparable loss.

In this view of the fact, I find that the order 09.02.2016 passed by learned Additional District Judge-III, Supaul in Probate Case No. 2/2004 is illegal and not sustainable. Accordingly, the same is set aside. This Civil Misc. petition is allowed. The petitioner is allowed to examine his witness.

(Prabhat Kumar Jha, J)

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