

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.105 of 2017

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1. Apurva Awas Yojna Pvt. Ltd. having its office at S.K. Puri, Boring Road, Patna through its Director, Savitri Devi.
 2. Savitri Devi @ Savitri Singh daughter of Rajendra Singh and wife of Ramji Singh resident of Simri Bahapura, P.S. - Bihta, District - Patna (Bihar).

.... Petitioner/s

Versus

1. Arjun Prasad Singh son of Late Jamuna Prasad resident of Pulandarpur, P.O. - Jakanpur, P.S. - Jakanpur, District - Patna.
2. Laxman Singh son of Late Dwarika Singh resident of Village - Painal, P.S. - Bihta, Distt - Patna, Bihar.
3. Badri Paswan son of Late Bilash Paswan resident of Village - Srichandpur, P.S. - Bihta, Distt - Patna, Bihar.
4. Gauri Shankar Prasad son of Late Ram Baran Singh resident of Village - Ahiyapur, P.S. - Bihta, Distt - Patna, Bihar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nand Kishore Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

6 27-08-2018 Heard Mr. Vikash Kumar Sharma, learned counsel appearing on behalf of the petitioners and Mr. Vijay Kumar Sinha, learned counsel for the respondents.

The petitioners have filed this Civil Misc. petition against the order dated 27.07.2016 and the subsequent orders dated 22.10.2016 and 18.11.2016 by which the defendants were restrained from cross-examining P.W.-2(wrongly mentioned as P.W.-1 in the impugned order) and closed the case of the plaintiff .

Mr. Vijay Kumar Sinha, the learned counsel for the respondents submits that evidence of the plaintiff was also closed



on earlier occasion and the same was recalled after imposing cost but from the perusal of the entire order sheet I find that vide order dated 27.07.2016, the Court warned the learned counsel appearing on behalf of the petitioners when he was getting difficulty in taking down the cross-examination of plaintiff witness no. 2, Shri Ramji Singh but on the subsequent date i.e., on 22.10.2016, on the petition of the defendants, instead of expunging the evidence of PW-2, the Court restrained the defendants from cross-examination of PW-2, Ramji Singh and on the very next day, the evidence of the plaintiff was closed.

I do not find any justification for such whimsical order. In this view of the fact, the orders dated 22.10.2016 and 18.11.2016 passed by the learned Sub Judge-II, Danapur are set aside with a direction to the Court firstly to allow the defendants to cross-examine PW-2 and thereafter allow the plaintiff to examine his further witnesses within a reasonable period, preferably, within six months without giving any unnecessary adjournment.

Accordingly, this Civil Misc. petition is allowed with the aforesaid direction.

(Prabhat Kumar Jha, J)

Saurabh/Rajan

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