

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16362 of 2014

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Umesh Singh Son of Late Chatradhari Singh, resident of village - Balthari, P.S. Ghanshyampur, District - Darbhanga.

.... Petitioner

Versus

1. Meena Devi wife of Dilip Singh, resident of village Sahidih, P.S. Nauhatta, District Saharsa and daughter of Late Lakshmeshwar Singh and Late Heera Devi (Mother) of village - Balthari, P.S. Ghanshyampur, District Darbhanga.
2. Bina Devi wife of Prabhat Kumar Singh @ Tuna Singh of village Ojhaul, P.S. Bahadurpur, District - Darbhanga and daughter of Late Lakshmeshwar Singh and Late Heera Devi (Mother) of village - Balthari, P.S. Ghanshyampur, District - Darbhanga.
3. Shasidhar Singh Son of Late Heera Prasad Singh, resident of village - Saropatti, P.S. Singheswar, District - Madhepura.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ganesh Chandra Thakur, Advocate

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 25-08-2018

Petitioner before this court is defendant in Title Suit No. 24 of 2005 pending in the court of Sub-Judge II, Benipur, Darbhanga. This writ application has been filed for quashing the order dated 21.04.2014 whereby and whereunder prayer of plaintiffs-respondents to recall the order closing their evidence and to cross-examine the defendant's witness was allowed subject to payment of cost of Rs.2,000/-.

2. Heard learned counsel for the petitioner and perused the record.

3. It appears that the evidence of plaintiffs was closed on 04.05.2013 and thereafter the defendant examined four witnesses and



they were discharged. The learned court below on being satisfied with the submission of plaintiffs allowed the petition and recalled the witnesses subject to payment of cost of Rs.2,000/- for their cross-examination. From the report of court below submitted under Letter No. 15 of 2018 dated 09.04.2018, it appears that both the parties have examined their witnesses and plaintiff and defendant no. 4 have filed compromise petition. It further appears that the evidence of defendant was closed on 08.08.2014 and the case was fixed for argument. The husband of the plaintiff no.2 was looking after the Pairvi of the case and on account of his illness, the case remained unrepresented and his evidence was closed and defendant's witnesses were discharged. The order allowing the prayer of plaintiff does not suffer any jurisdictional error.

4. In view of facts and circumstances of the case, I do not find any merit in this writ application. This writ application is devoid of merit and the same is, accordingly, dismissed.

(Sanjay Kumar, J)

Harish/-

AFR/NAFR	
CAV DATE	
Uploading Date	28.08.2018
Transmission Date	

