

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.1391 of 2018

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Aziz Ahmad Khan Son of late Ashfaque Ahmad Khan Resident of Basement Floor,
Abdul Hai Commercial Complex, Exhibition Road, Post Office- G.P.O. Police
Station- Gandhi Maidan, District- Patna.

.... Appellant/s

Versus

1. Dr. Ahmad Abdul Hai Son of late Dr. M.A. Hai
2. Hashmat Hai Wife of Dr. Ahmad Abdul Hai
3. Mohamid Abdul Hai Son of Dr. Ahmad Abdul Hai
4. Hamida Hai Daughter Dr. Ahmad Abdul Hai
5. Kulsum Hai Daughter Dr. Ahmad Abdul Hai
6. Nilofar Hai Wife of Dr. Hamid A. Hai.
7. Ayesha Hai Daughter of Dr. Mahmood A. Hai.
8. Yusuf Abdul Hai Son of Dr. Mahmood A. Hai All Residents of Abdul Hai
Commercial Complex Exhibition Road, Post Office- G.P.O. Police Station- Gandhi
Maidan, District- Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 01-10-2018

Heard learned counsel appearing on behalf of the petitioner
and learned counsel for the respondents.

The petitioner has filed this Civil Miscellaneous petition
against the order dated 26.06.2018 passed in Eviction Suit No.
74/2012 by which the learned Sub-Judge I, Patna marked the
judgement and decree passed in Title Partition Suit No. 633/2012 as
exhibit.

Mr. J. M. Sharma learned counsel for the petitioner submits
that suit is pending for the evidence of defendants. The plaintiff has
already closed his evidence. Plaintiff could not file any petition for
allowing him to adduce some evidence, but while the evidence of



defendant was going on, plaintiff filed a petition that a judgement and decree passed in Title Partition Suit No. 633/2012 be admitted for evidence and the learned court allowed the same and marked the judgment and decree as exhibits on the ground that it is public document.

Learned counsel for the respondents/plaintiffs submits that of course, some error has been committed, but the defendant is at liberty to recall the plaintiff for his further cross-examination, if the defendant petitioner wants to recall the plaintiff for further cross-examination on the point of Title Partition Suit No. 633/2012, the plaintiff has got no objection. The defendant may also give evidence as the evidence of defendant is going on.

Having considered the facts aforesaid, I dispose of this Civil Misc. petition with liberty to the defendant to file petition for recall of plaintiff to cross-examine him on this point at any time before closing of his case and also adduce evidence if he so desires.

Accordingly, this Civil Miscellaneous petition is disposed of.

(Prabhat Kumar Jha, J.)

Vinita/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	12.10.2018
Transmission Date	NA

