

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.625 of 2018

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1. Smt. Saroj Devi Mawandia, wife of Sri Shankar Lal Mawandia, Resident of Mohalla- Ramsar Chowk, Urdu Bazar Road, P.S.- Tatarpur, District- Bhagalpur.

.... Petitioner/s

Versus

1. Urmila Singhanian, wife of Sri Radhey Shyam Singhanian, Resident of Dr. Rajendra Prasad Road, Bhagalpur, P.S.- Kotwali, District- Bhagalpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ambrish Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 15-05-2018

Heard the learned counsel for the petitioner.

Petitioner filed this civil miscellaneous petition against the order dated 24.01.2018 passed in Title Eviction Case No.26 of 2015 by which the petition of the petitioner to examine plaintiff and her son, Pankaj Singhanian as witness on his behalf has been rejected.

The petitioner is the defendant in the court below. The plaintiff filed the suit for eviction of the suit premises on the ground of personal necessity and for starting a business for her son, Pankaj Singhanian. The plaintiff adduced her evidence and on her behalf, Radha Shyam Singh, P.W.6 was examined because plaintiff suffered from different ailments on account of her old



age. After closing of the case of the plaintiff, the defendant filed list of witnesses in which the names of the plaintiff and her son, Pankaj Singhania also appeared and the petitioner also prayed that they be summoned to give evidence. The learned Munsif II rejected the petition by the impugned order.

The learned counsel for the petitioner submits that the plaintiff does not require the suit premises for his personal necessity. The son of the plaintiff is insane and he is not able to do his business, therefore, the evidence of plaintiff and his son is required but I find no substance in the submission of the learned counsel for the petitioner. The case of the plaintiff stands on its own evidence. The defendant cannot claim the plaintiff or her son to give evidence on behalf of the defendant about the personal necessity of the plaintiff. Therefore, I do not find any illegality or jurisdictional error in the order impugned.

Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

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