

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1668 of 2017

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Ajit Sharma @ Ajit Kumar, Son of Late Kameshwar Singh, Resident of Village-Murhari, Police Station-Pali in the District of Jehanabad.

... .. Appellant/s

Versus

1. Ramanand Sharma, Son of Late Kameshwar Prasad Singh, Resident of Village-Bhadseri, Police Station-Kako in the District of Jehanabad.
2. Kamal Nayan Sharma, Son of Kameshwar Singh, Resident of Village-Murhari, Police Station-Pali in the District of Jehanabad.

... .. Respondent/s

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Appearance :

For the Appellant/s	:	Mr.Sanjeet Kumar
		Mr. Akhilesh Verma
For the Respondent/s	:	Md. Mustaq Alam

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 21-12-2018 Heard both sides.

The petitioner filed this civil miscellaneous petition against the order dated 14.06.2017 passed by Additional Munsif II, Jehanabad in Title Suit No.92 of 1992 by which the petition of the petitioner for recalling the order dated 13.04.2017 closing the case of the petitioner has been dismissed.

Petitioner is the defendant. Learned counsel for the petitioner submits that due to inadvertence, the petitioner could not adduce his documentary evidence and if the petitioner could not be able to adduce his documentary evidence that would occasion in failure of justice and irreparable loss would be caused to the petitioner. It is submitted that only two dates be given so that the petitioner may adduce and exhibit his



documentary evidence on payment of appropriate cost.

Mr. Mustaq Alam, learned counsel for the respondents very fairly submitted that although, the petitioner failed to produce the evidence earlier on many occasions and the petitioner has committed gross laches but if an opportunity be given to him, he has got no objection.

Having considered the facts aforesaid and the fact that if the petitioner is not able to produce the documentary evidence that would occasion in failure of justice and, therefore, to prevent the failure of justice, the order dated 14.06.2017 is set aside. The petitioner is allowed to produce his documentary evidence on two dates subject to payment of cost of Rs.5,000/- to the plaintiff. Thus, this civil miscellaneous petition is allowed.

(Prabhat Kumar Jha, J)

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