

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.424 of 2019**

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Ravi Prakash alias Ravi Chopra son of Late Baldev Prasad Chopra resident of Raigopal Sarkar Lane (Mahanth Narayan Das Lane), Naya Bazar, P.S. Kotwali, District- Bhagalpur.

... .. Defendant/petitioner

Versus

Ashok Kumar Jivrajka son of Late Shankar Lal Jivrajka resident of Sujaganj, Post Sujagaj, P.S. Kotwali, District Bhagalpur, impleaded in the capacity of Secretary Tormal Dilsukh Rai Trust Dharmshala, Laheritola, Ramdasgupta Path, Bhagalpur.

... .. Plaintiff/Respondent

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Appearance :

For the Appellant/s	:	Mr. Bimlendu Mishra, Adv.
For the Respondent/s	:	Mr. Dhananjay Kumar Pandey, Adv. Mr. Ashok Kumar Singh, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER**

2 19-04-2019 In the instant application preferred under Article 227 of the Constitution of India, the petitioner has challenged the order dated 22.02.2019 passed by the learned Munsif 2nd, Sadar, Bhagalpur in Title Eviction Suit No. 18 of 2016 whereby the evidence on behalf of the defendant-petitioner has been closed and the application filed by him on 16.02.2019 under Order 18, Rule 17 of the Code of Civil Procedure (for short ‘CPC’) has been rejected.

Heard learned counsel for the petitioner and learned counsel appearing on behalf of the plaintiff-respondent.

With the consent of the parties, the order dated 22.02.2019 is modified to the extent that in case the defendant-



petitioner appears before the court of Munsif 2nd, Sadar, Bhagalpur on 29.04.2019, the learned Munsif shall allow him to depose. It is made clear that apart from the defendant-petitioner no other witness on his behalf shall be examined. In case, he fails to appear before the court on 29.04.2019, the evidence on behalf of the defendant shall stand closed.

With the aforesaid modification in the impugned order dated 22.02.2019, the application is disposed of.

(Ashwani Kumar Singh, J)

pradeep/sneha

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