

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1461 of 2016

Ray Ajay Shankar Prasad Son of Late Ray Rajeshwar Prasad, resident of
House No 9, Fort Area, P.S.- Kotwali, District- Munger.

... .. Appellant

Versus

1. Ray Dharmesh Prasad Son of Late Ray Prem Shankar Prasad, resident of B/202, Krishi Vihar, Naward Quarters, Opposite Lal Bangla, Amirpet, Hyderabad (A.P.).
2. Prof Smt Yashodhara Sinha daughter of Late Ray Prem Shankar Prasad and wife of Sri Santosh Kumar Sinha, Department of English, J.D. Women's College, Baily Road, Patna-1.
3. Smt Chitralekha Prasad daughter of Late Ray Prem Shankar Prasad and wife of Sri Anjani Prasad C/o Sri Ray Dharmesh Prasad, resident of B/202, Krishi Vihar, Naward Quarters, opposite Lal Bangla, Amirpet, Hyderabad (A.P.).

Defendant 1st Party-Respondent 1st Set.

4. Ray Ravi Shankar Prasad son of Late Ray Rajeshwar Prasad, resident of House No 9, Fort Area, P.S.- Kotwali, District- Munger at present resident of 201, R.K. Apartments, Nageshwar Colony, Boring Road, Patna- 800001.

Defendant 2nd Party-Respondent 2nd Set.

5. Ray Uday Shankar Prasad son of Late Ray Rajeshwar Prasad resident of House No. 9, Fort Area, P.S.- Kotwali, District- Munger at Present residing at E-7 Anand Niketan, New Delhi.

Defendant 3rd Party-Respondent 3rd Set.

6. Ray Vijay Shankar Prasad Son of Late Ray Rajeshwar Prasad, resident of House No. 9, Fort Area, P.S.- Kotwali, District- Munger.

Defendant 4th Party-Respondent 4th Set.

7. (i) Poonam Rani wife of Late Ray Gyan Shankar Prasad
(ii) Ray Sharad Prasad
(iii) Ray Sawan Prasad

Both sons of late Ray Gyan Shankar Prasad, Resident of House No. 9, Fort Area, P.S.- Kotwali, District- Munger.

Defendant 5th Party-Respondent 5th Set.



8. Bhupendra Prasad Kapri Son of Sri Hari Mohan Kapri resident of Raman Kawad, P.O. & P.S.- Kharagpur, District Munger at present residing at Fort Area, Munger, P.S. Kotwali, District- Munger.

Defendant 6th Party -Respondent 6th Set.

Appearance :

For the Appellant/s : Mr. Ganpati Trivedi, Sr. Advocate
Mr. Ravindra Kr Sinha No.2, Advocate
For the Respondent/s : Mr. Uma Kant Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 07-01-2019

By way of the present application under Article 227 of the Constitution of India, the petitioner has challenged the order dated 20.09.2016 passed by the learned Sub-Judge 2nd, Munger in Title Suit No. 84 of 1997 whereby he has granted adjournments to defendant no.2/respondent 2nd Set to complete his evidence within three months.

2. After substitution of newly added respondents under normal circumstances notice would have been issued to them, but the relief sought for and considering the nature of order, which the court is going to pass, I am of the opinion that no notice is required to be issued.

3. The order under challenge is of 20.09.2016 by which the court below had granted adjournment to defendant 2/respondent 2nd set to complete his evidence within three months. Instead of three months more than two years and three months



have elapsed and it is not known as to what has happened to the proceedings in the court below during the intervening period.

4. The order impugned has already taken its effect and any evidence which would have been adduced by the respondent 2nd set can not be ordered to be taken away from the record. Even otherwise, by allowing a party to adduce evidence, the court below has committed no illegality.

5. In that view of the matter, I see no merit in this application. It is disposed of accordingly.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	09.01.2019
Transmission Date	

