

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1230 of 2012

1. Smt.Kanti Shrivastava W/o late Birendra Kumar Shrivastava
2. Rajeev Kumar Son of late Birendra Kumar Shrivastava Both are residents of Mohalla- Rajendra Nagar, Madhubani, Police Station- Khajanchi Hat, District- Purnia.

... .. Petitioner/s

Versus

1. Mithilesh Paswan
2. Yugal Paswan Son of late Ram Khelwan Paswan
3. Laxmi Paswan Son of late Ram Khelwan Paswan All are Resident of Village- Tarapur Tarbanna, Madhubani, P.S. K. Hat, and District- Purnia.
4. Binay Kumar Sinha Son of Sri Umesh Kumar Sinha Resident of Mohalla- Amlatola, Madhubani, P.S. K. Hat, District- Purnia.
5. Smt. Shukla Devi Wife of Sri Mauji Mahto
6. Mauji Mahto Son of late Muni Lal Mahto Both Residents of Mohalla- Tarapur Tarbanna Naya Tola, Shiv Dham, P.S. K.Hat, District- Purnia.
7. Smt. Meena Kumari Wife of Bijendra Prasad Ambasta Resident of Madhubani , Ward no. 12 old new, P.S. K. Hat, District- Purnia.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Anand K.Ojha, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

12 11-01-2019 Heard the parties.

In the present writ application, the following reliefs
have been sought for on behalf of the petitioners :

1. The present writ application is preferred against the order dated 27.04.09 passed by learned Munsif, Sadar, Purnia, Bihar in Title Suit No.241/97



whereby and where under the petition dated 09.04.09 for recall of the order dated 17.03.09 closing evidence of Plaintiffs and for affording opportunity to adduce further evidence was rejected even though the petition for recall of the Plaintiff witnesses no.4, 5 and 6 filed on behalf of Defendant No.7 remained pending till the date of passing of the impugned order and even subsequently raising issues of propriety as also the ends of justice apart from jurisdictional error/omission in ignoring the reasons and justification for adjournment by the Plaintiffs who had already adduced witnesses, released after cross examination and the Plaintiffs had also shown their seriousness their proceeding by getting the documents exhibited and further doing everything in the proceeding to show and suggest the stakes of the plaintiffs in the proceeding.

A report was called for from the court below about the stage of the case, which has been received.

The report submitted by the court below is as follows :

“Most humbly with due respect and from your honour’s kind permission I am submitting that the aforesaid Title Suit Case No.241/1997 is pending at the stage of the defendant’s evidence. The next date is fixed is dated 14/12/2018.”

Considering the report submitted by the court below,



there is no substantive reliefs remains to be granted to the
petitioners.

The present writ application stands disposed of.

(Sudhir Singh, J)

Narendra/-

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