

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1683 of 2019**

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Radha Raman Jha Son of Late Sukhdev Jha, Resident of Village-Baika
Mahindwear, P.S.-Phulparas, District-Madhubani.

... .. Petitioner

Versus

Digamber Jha Son of Surti Lal Jha Resident of Village-Baika Mahindwar,
P.S.-Phulparas District-Madhubani.

... .. Respondent

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Appearance :

For the Petitioner/s : Mr. Lalit Narayan Jha, Advocate.

For the Respondent/s: Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 03-12-2019

The present petition has been filed *"for setting aside the order dated 30.09.2019 (Annexure-3/A) passed in Title Suit No. 37 of 2013 by the learned Munsif, Jhanjharpur."*

2. Learned counsel for the petitioner submits that the learned court below has acted in illegal exercise of jurisdiction in refusing to recall its order dated 27.06.2018 by which the plaintiff/petitioner's evidence had been closed. It is submitted that evidence could not be adduced by the plaintiff/petitioner on 27.06.2018 owing to communication gap as the petitioner was suffering disability of the ear and had not been able to understand such direction on the earlier date which could therefore not be complied with.

3. Having heard learned counsel for the petitioner and upon consideration of the material on record, this Court is unable to



find any illegality in the impugned order. It transpires from a perusal of the impugned order that as may as ten dates had been fixed for adducing evidence and the plaintiff/petitioner was well aware that the next date had been fixed on 27.06.2018. Neither any time petition was filed nor the plaintiff/petitioner's counsel appeared. No material was brought on record in support of the submission that the plaintiff/petitioner was suffering from disability of the ear nor with respect to where he had gone on pilgrimage as claimed by him. The plaintiff/petitioner's evidence has been closed with the observation that sufficient time had been granted for adducing evidence.

4. It is well settled that the scope of interference under Article 227 of the Constitution is limited. No case has been made out by the plaintiff/petitioner to demonstrate that the Court has acted in illegal exercise of its jurisdiction or otherwise acted beyond the bounds of its authority. This Court is therefore not inclined to interfere in the matter. The writ petition stands dismissed.

(Vikash Jain, J)

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