

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.121 of 2021**

1. RAJ KISHORE MANDAL Son of Satya Narayan Mandal Resident of Madhubani Tole Nande Nagar, Ward no. 22, P.s. and Distt.- Madhubani
2. Nand Kishor Mandal Son of Late Satyanarayan Mandal resident of ward no. 14, Mathasagar, Bhavara, P.s. and District- Madhubani
3. Abadh Kishor Mandal Son of Satyanarayan mandal Resident of Madhubani Tole Nande Nagar, Ward no. 22, P.s. and District- Madhubani

... .. Petitioners

Versus

1. ASHA DEVI Shree Kule Nand Mandal, Resident of village- Sonkorthu, P.s.- Pandaul, District- Madhubani
2. Amirti Devi Wife of shree Ramvilas Mandal Resident of village- Mehath, P.s.- Bhairab Sthan, district- Madhubani

... .. Respondents

Appearance :

For the Petitioner/s : Mr.Binodanand Mishra
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 01-12-2021 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners. He has submitted that he is plaintiff in Probate Case No. 20 of 2013. Vide impugned order dated 31.01.2020 the learned lower court has rejected the petition, whereby the prayer has been made to recall the order of closure of the evidence.

Although, the impugned order itself reveals that sufficient opportunity has already been provided by the learned



court below but for the ends of justice two months time is being given to the plaintiff to adduce his entire witnesses from the date of receipt of the copy of this order. On the date of receipt of the copy, if the court has already fixed a date, those two months time will commence from the next date already fixed by the court below. Learned trial court in any circumstances will not extend this limitation.

At the same time, since the hardships was caused to the respondent and the precious time of the court below was wasted, the plaintiff has to pay a cost of Rs. 10,000/- (Ten Thousand) to the respondents within two weeks from the date of receipt of the copy of this order in the court below.

With these observations, this civil miscellaneous is being disposed of.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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