

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.55 of 2021

1. Chhotan Prasad @ Chhotan Prasad Singh Son of Late Ramautar Singh resident of village- Nauratanpur, P.o.- Mobarakpur, P.s.- Danapur, District- Patna
2. Smt. Meena Devi wife of Sri Chootan Prasad @ Chhotan Pd. Singh resident of village- Nauratanpur, P.o.- Mobarakpur, P.s.- Danapur, District- Patna

... .. Petitioner/s

Versus

1. Estate of Late Ram Parichhan Singh @ Ram Parikshan son of Late Hiranman Singh, resident of village- Nauratanpur, P.o.- Mobarakpur, P.s.- Danapur, District- Patna
2. Ekta Sahkari Grih Nirman Samiti Ltd. through its Secretary, Md. Rahman, son of Late Imran, Resident of Lal Mani Ka Dera, P.o. and P.s.- Phulwarisharif, District- Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dronacharya
For the Respondent/s : Mr.

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

ORAL ORDER

2 18-11-2021 Heard the learned counsel for the petitioners.

Learned counsel for the petitioners has submitted that on 15.07.2019, the learned court below has rejected the petition filed on behalf of the defendants to cross-examine the plaintiffs' witnesses, but despite proper opportunity they could not examine the witnesses. Moreover, the defendants have denied to cross-examine the witnesses, but vide order dated 20.12.2019, the learned trial court has recalled its previous order and provided opportunity to the defendants to cross-examine the witnesses of the plaintiffs at the cost of Rs.5,000/-.



Order dated 15.07.2019 although itself shows that proper opportunities have been provided to the defendants to cross-examine the witnesses of the plaintiffs, but they failed to examine.

Considering the liberal view of the matter, the court below has allowed the cross-examination at the cost of Rs. 5,000/-. I do not think it proper to interfere with the order of the learned court below dated 20.12.2019. The approach of the court should be in favour of hearing and not in favour of shutting down the opportunity of hearing. To indemnify the harassment sustained by the plaintiffs, the learned trial court has already imposed a cost of Rs. 5,000/-.

With these observations, this miscellaneous case is being disposed of with further direction that the court below shall not give opportunity of more than three dates, unless prevented by any unavoidable circumstance or the default of the plaintiffs in producing the witnesses.

(Nawneet Kumar Pandey , J)

HR/-

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