

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.459 of 2018

Rekha Ranji Sinha @ Rekha Ranji Singh W/o Sri Ram Naresh Singh, resident of Village Fatehpur Sanda P.O., P.S. and Dist. Arwal. At present residing near Bijali Office north of Rupaspur Old Police Chauki Old P.S. Danapur present P.S. Rupaspur Dist. Patna.

... .. Petitioner/s

Versus

1. Brahmdei Devi, W/o Late Gajendra Rai D/o Late Vimala Sharan Singh, resident of Village Kamala Gopalpur P.O. Gopalpur, P.S. Maner Dist. Patna. At present residing Village Rupaspur, P.O. B.V. College Sahay Nagar P.S. Rupaspur District- Patna- 14.
2. Jagdeo Sahkari Grih Nirman Samitti Ltd. Reg. 32 Pat 83 through it's Secretary Sripal Singh S/o Late Gopichand Singh Baily Road Jagdeo Path P.S. Hawai Adda District- Patna- 14.
3. Yadu Nandan Shahkari Grih Nirman Samiti Ltd. Reg. no. 200 Pat 87 through its Secretary Arjun Prasad Singh S/o Yadu Nandan Raut having its office- Jagdeo Bhawan at Mohalla New Patliputra P.S. Krishnapuri District Patna- 13.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Jitendra Sharma, Advocate. Ms. Rina Kumari, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 13-10-2022 Heard Ms. Rina Kumari, learned counsel for the

petitioner.

A Title Suit No. 4 of 2011 has been filed by the

petitioner.

The petitioner is aggrieved by the order dated
8.2.2018 passed by the learned Sub-Judge I, Danapur, Patna, in
Title Suit No. 4 of 2011 by which the prayer of the petitioner for
calling the defendant Nos. 2 and 3 as witness in the suit has



been rejected.

Learned counsel for the petitioner submits that petitioner purchased the suit property from defendant No. 1/respondent No. 1 on 20.1.1988. She further submits that defendant No.1/respondent No. 1 sold some land to the extent of 1563 sq. fit. in favour of the other purchasers in the year 1999 including the Plot sold in the year 1988 in favour of the plaintiff.

I have heard learned counsel for the parties.

The petitioner has filed the suit for declaration of right, title and interest over the suit property.

From perusal of the impugned order it appears that the petitioner was directed by the Trial Court to produce her evidence, but instead of producing her evidence for last many days, the petitioner has filed a petition for examination of defendant Nos. 2 and 3 as witness on behalf of the plaintiff. The learned Trial Court has come to the conclusion that frivolous petition has been filed by the petitioner/plaintiff in order to delay the disposal of the suit inasmuch as the suit is of the year 2011 and on 28.5.2013 the issue was framed but the petitioner/plaintiff failed to produce any witness for the last several dates.

In view of the finding arrived at by the learned Trial



Court and taking into consideration the fact that the petitioner instead of producing her own witness in the suit is insisting for examination of defendant Nos. 2, and 3 as witness on behalf of the plaintiff, I find no infirmity in the impugned order.

Accordingly, this application stands dismissed.

(Anil Kumar Sinha, J)

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