

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.212 of 2018

Ram Kishore Singh Son of Late Manohar Singh Resident of Village Bahilwara Bhusi South, P.S. Saraiya, P.O. Bahilwara, District Muzaffarpur.

... .. Petitioner/s

Versus

1. Smt. Savitri Devi and Ors Wife of Sitaram Singh resident of village P.O. Jarang Rampur, P.S. Belsar, District - Vaishali.
2. Smt. Janki Devi Wife of Rajendra Singh Resident of Village Bhagwatpur, P.S. Belsar, P.O. Sain, District - Vaishali.
3. Smt. Shila Devi Wife of Vijay Singh Resident of Village Bhagwatpur, P.S. Belsar, P.O. Dharpur, District - Vaishali.
4. Geeta Devi Wife of Arun Singh Resident of Village Lagma, P.O. Chakwajo, P.S. Belsar, District - Vaishali.
5. Sunita Devi Wife of Jai Mangal Singh Resident of Village P.O. Chandrahatti, P.S. Kudhani, District - Muzaffarpur.
6. Anita Devi Wife of Tuntun Singh Resident of Village - Chandrahatti Usha, P.O. Chandrahatti, P.S. Kurhani, District Muzaffarpur.
7. Sri Binda Singh Son of Late Ganga Singh
8. Sri Upendra Singh Son of Binda Singh
9. Sri Nanhi Singh Son of Binda Singh
10. Sri Vimal Singh Son of Binda Singh
11. Sri Raghuveer Singh Son of Binda Singh
12. Sri Nagendra Singh Son of Binda Singh 7 to 12 are residents of village P.O. Balaur, P.S. Kurhani, District Muzaffarpur.
13. Smt. Urmila Devi Daughter of Binda Singh and Wife of Sri Ajab Singh Resident of Village Jarang, P.O. Rampur Jarang, P.S. Lalganj, District Vaishali.
14. Smt. Nayan Tara Devi Wife of Sri Triloki Singh and Daughter of Late Rachhaya Singh Resident of Village Jarang Rampur, P.O. Jarang, P.S. Lalganj, District Vaishali.
15. Smt. Saraswati Devi Wife of Sri Gagandeo Singh and Daughter of Late Rachhyaha Singh Resident of Village Kobiya, P.O. Ajijpur, P.S. Kurhani, District Muzaffarpur.
16. Umesh Chandra Patel Son of Rachhya Devi Resident of Village Bahilwara Bhual South, P.O. Bahilwara, P.S. Saraiya.
17. Mostt. Krishna Devi Wife of Late Parmanand Patel
18. Sanjay Patel Son of Late Parmanand Patel
19. Chandan Patel Minor Son of Late Parmanand Patel
20. Pinky Kumari Minor Daughter of Late Parmanand Patel Defendant No. 19 and 20 are under the guardianship of their mother Krishna Devi. Defendant no. 17 to 20 are residents of village Bahilwara Bhual, P.S. Saraiya, District -



Muzaffarpur.

21. Rinku Devi Son of Late Parmanand Patel Wife of Rakesh Singh Resident of Village Kataru, P.S. Goraul, District Vaishali.
22. Parmod Patel Son of Late Ram Lakhan Singh Resident of Bahilwara Bhual South, P.S. Saraiya, District Muzaffarpur.
23. Smt. Krishna Devi Wife of Sri Ram Lagan Singh Resident of village Pirapur, P.S. Goraul, District - Vaishali.
24. Uma Shankar Patel Son of Ram Kishore Singh
25. Shambhu Patel Son of Ram Kishore Singh
26. Suman Patel Son of Ram Kishore Singh
27. Sunil Patel Son of Ram Kishore Singh Resident of Village - Bahilwara Bhual South, P.S. Saraiya, District Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-08-2022 Heard Mr. Arvind Kumar, learned counsel for the petitioner.

Petitioner is the plaintiff in the suit. The grievance of the petitioner is that the Defendant No. 1 was debarred from filing written statement, but on a petition filed by defendant No. 8 to produce defendant No. 1 as Defendant Witness No. 6 on behalf of the Defendant No. 8, has been allowed.

Learned counsel for the petitioner submits that Defendant No. 1 was debarred from filing written statement and order of debarment has been upheld up to the High Court. As such, she cannot be examined as witness on behalf of other Defendants.



I have heard learned counsel for the petitioner and have gone through the impugned order. The Trial Court has come to the conclusion that Defendant No. 1 was debarred from filing written statement and the Defendant No. 8 in his list of witnesses has mentioned the name of Defendant No. 1 as Defendant Witness No. 6, as such, preventing the Defendant No. 8 from examination of witnesses from the list of Defendant Witness will amount to miscarriage of justice.

In view of the aforesaid conclusion of the learned Trial Court, I am of the view that there is no illegality in the impugned order.

Accordingly, this application stands dismissed.

(Anil Kumar Sinha, J)

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