

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.452 of 2020

Pradeep Kumar, Son of Suraj Prasad, Resident of Village- Piro, P.S. Piro,
District- Bhojpur.

... .. Petitioner/s

Versus

1. Nirmala Devi, Daughter of Late Heerakali Devi, Resident of Village - Ayar, P.S. Jagdishpur, at Present Resident of Judge Bazar, Bhihiya, P.S. Bhihiya, District- Bhojpur.
2. Sheela Devi, Daughter of Late Heerakali Devi, Resident of Village - Ayar, P.S. Jagdishpur, at Present Resident of Judge Bazar, Bhihiya, P.S. Bhihiya, District- Bhojpur.
3. Nita Devi, Daughter of Late Heerakali Devi, Resident of Village - Ayar, P.S. Jagdishpur, at Present Resident of Judge Bazar, Bhihiya, P.S. Bhihiya, District- Bhojpur.
4. Geeria Devi, Daughter of Late Heerakali Devi, Resident of Village - Ayar, P.S. Jagdishpur, at Present Resident of Judge Bazar, Bhihiya, P.S. Bhihiya, District- Bhojpur.
5. Brijendra Kumar Singh, Son of Hira Singh, Resident of Village- Rajeya, P.S. Piro, District- Bhojpur.
6. Jagarnath Singh, Son of late Samahut Singh, Resident of Village - Masariha Tola, P.S. Piro, District- Bhojpur.
7. Mostt. Tara Mani Devi, Wife of late Sheonarayan Sah, Resident of Village and P.S. Piro, District - Bhojpur.
8. Jawahar Sah, son of Late Sheonarayan Shah, Resident of Village and P.S. Piro, District - Bhojpur.
9. Dinesh Sah, son of Late Sheonarayan Shah, Resident of Village and P.S. Piro, District - Bhojpur.
10. Raju Prasad, son of Late Sheonarayan Shah, Resident of Village and P.S. Piro, District - Bhojpur.
11. Mahesh Rai, Son of Feku Rai, Resident of Village - Deochanda, P.S. Piro, District - Bhojpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ranjay Kumar Singh
For the Respondent/s	:	Mr.Vinod Shanker Modi

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

ORAL ORDER

4 23-03-2022

The learned counsel for the petitioner is directed to



remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioner.

Vide impugned order dated 29.01.2020, the petition filed on behalf of the petitioner to recall the order dated 23.11.2010 was rejected.

The learned counsel for the petitioner has submitted that the father of the present petitioner was the sole plaintiff of Title Suit No. 31 of 1998 and after his death the plaintiff was substituted, but when the case was transferred from Ara to the sub-divisional court, Piro, he came to know that the evidence of the plaintiff was closed much earlier. Not a single witness has been examined on behalf of the plaintiff, nor any document has been exhibited. The learned counsel for the petitioner has further submitted that if an opportunity of adducing evidence is not provided, the interest of the petitioner shall be highly prejudiced. He has submitted further that even if he is provided an opportunity of three months, he will conclude his entire evidence.

On the other hand, the learned counsel for the respondents has opposed the prayer and submitted that the petition has been filed at much belated stage.



Considering the facts and circumstances, an opportunity of three months is provided to the petitioner to adduce his entire evidence, but at the same time, the petitioner has to pay a cost of Rs. 5,000/- to the respondents/defendants. The learned trial court is directed not to give the date for more than a week. If the delay is caused by the defendants, the court below shall be at liberty to extend the three months' time, as mentioned above.

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

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

HR/-

U			
---	--	--	--

