

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.243 of 2022

Geeta Devi wife of Late Bharat Narayan Singh resident of Village and P.O. Shakarpura, Police Station and District Madhepura.

... .. Petitioner/s

Versus

1. Most. Sanyukta Devi wife of Late Bharat Narayan Singh resident of Village and P.O. Shakarpura, Police Station and District- Madhepura.
2. Muni Kumari wife of Rahul Kumar Singh, adopted daughter of Late Bharat Narayan Singh, resident of Village and P.O. Shakarpura, Police Station and District- Madhepura.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jitendra Prasad Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 17-05-2022 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 the impugned order, the petition under Order XXVI, Rules 1 and 2 of the Code of Civil Procedure filed on behalf of the petitioner was rejected.

By filing the above-noted petition, a prayer was made to the court below to examine the petitioner Geeta Devi on commission as she was under treatment and she is an old lady of 70 years. The learned trial court called for a report from Dr. Nidi Arun, who is stated to have treated the petitioner. Dr. Nidi



Arun reported to the court below that she did not treat that patient and there was no entry in this respect in the OPD record, except e-Registration done by the petitioner. The learned trial court directed the petitioner to appear in person before the court below for her examination. The impugned order shows that she came to the court premises but did not go to the court. The presiding officer himself came near the vehicle in which the petitioner was sitting and after seeing the presiding officer she laid down in the vehicle and pretended to be ill.

The provision for examination of a witnesses on commission has been enacted with the intention to facilitate the witnesses who are infirm or for any other reason unable to come to the court. The petitioner came to the court premises, but she failed to appear before the court. The presiding officer himself saw that having seen him the petitioner laid down and she was pretending to be suffering from ailments. The learned trial court has rightly rejected the petition.

I do not find any reason to interfere with the impugned order. The civil miscellaneous petition is accordingly dismissed.

Office shall ensure that all the defects are removed by the petitioner within the stipulated time provided



hereinabove, failing which the matter shall be brought to the
notice of this Court. Heard the learned counsel for the petitioner.

(Nawneet Kumar Pandey, J)

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