

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.136 of 2019

1. Veena Devi W/o Bhondhu Prasad Rai Mohalla- Janakdhari Lal Road, Bhattiper, P.S.-Danapur, P.O.-Danapur Cantt., District-Patna
2. Sonam Kumari D/o Bhondhu Prasad Rai Mohalla-Janakdhari Lal Road, Bhattiper, P.S.-Danapur, P.O.-Danapur Cantt., District-Patna
3. Suman Kumari D/o Bhondhu Prasad Rai Mohalla-Janakdhari Lal Road, Bhattiper, P.S.-Danapur, P.O.-Danapur Cantt., District-Patna
4. Nilu Kumari D/o Bhondhu Prasad Rai Mohalla-Janakdhari Lal Road, Bhattiper, P.S.-Danapur, P.O.-Danapur Cantt., District-Patna
5. Rohit Kumar S/o Bhondhu Prasad Rai Mohalla-Janakdhari Lal Road, Bhattiper, P.S.-Danapur, P.O.-Danapur Cantt., District-Patna

... .. Petitioners

Versus

1. Bhondhu Prasad Rai S/o Late Lala Rai Mohalla-Janakdhari Lal Road, Bhattiper, P.S.-Danapur, P.O.-Danapur Cantt., District-Patna
2. Sunil Kumar S/o Bihari Rai Mohalla-Janakdhari Lal Road, Bhattiper, P.S.-Danapur, P.O.-Danapur Cantt., District-Patna
3. Rabindra Prasad S/o Ballabh Prasad Singh Resident of Santa Bigha, P.O.-Banadish, P.S.-Tharthari, District.-Nalanda
4. Dinesh Kumar S/o Ram Naresh Singh Mohalla-Gola Road, Danapur Near Janta Cold Storage, P.O.-Danapur Cantt., P.S.-Danapur, District.-Patna
5. Amarjeet Kumar S/o Vijay Prasad Yadav Mohalla-Bhattipar behind Arya Samaj Mandir, Danapur, P.O.-Danapur Cantt., P.S.-Danapur, District.-Patna
6. Sumit Kumar S/o Rajiv Kumar Mohalla- Dariyapur Gola, Danapur, P.O.-Bankipore, P.S.-Kadamkuan, District-Patna
7. Rishikesh Kumar S/o Ram Lakhan Rai Mohalla-Bari Devi Asthan Sultanpur, P.O.-Danapur Cantt., P.S.-Danapur, District-Patna

... .. Respondents

Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar, Advocate
For the Respondent/s : Mr. Sudhir Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

6 25-08-2023

Heard learned counsel for the parties.

2. The present application has been filed for setting
aside the order dated 17.09.2018 passed by the Sub-Judge 3rd



Danapur, (Patna) in Title Suit No. 79 of 2009 whereby the learned Sub-Judge was pleased to close the evidence of plaintiffs – plaintiffs and directed defendants to produce witness on next date.

3. Learned counsel for the petitioners submits that the petition filed by the petitioners under Order 32 is pending before the Court concerned and the Court has directed that the evidence of the plaintiffs shall be taken after disposal of the said petition. The said petition is still pending, in the meantime, the evidence of the plaintiffs has been closed. The examination-in-chief on affidavit was also filed on behalf of plaintiffs despite that the evidence of the plaintiffs has been closed by the impugned order which is not sustainable in Law. The irreparable loss would be caused if the plaintiffs would not given chance to adduce their evidence in support of their claim.

4. Learned counsel for the petitioners further submits that plaintiffs / petitioners will conclude their evidence within 5 months.

5. Learned counsel for the defendants submits that he has no objection if the plaintiffs are ready to conclude their evidence within the said period.

6. Learned counsel for the parties submits that in view



of the aforesaid facts of the case, this case may be disposed of with appropriate direction.

7. In view of the aforesaid facts and circumstances and submissions on behalf of parties, on consent, the impugned order dated 17.09.2018 is set aside and the plaintiffs are directed to conclude their evidence within 5 months.

8. Learned trial Court is also directed to expedite the disposal of this case without giving any unnecessary adjournment to any parties and both the parties shall cooperate in expeditious disposal of the suit.

9. The learned trial Court is also directed to dispose of the pending petition of the plaintiffs / petitioners filed under Order 32 CPC.

10. Accordingly, this Civil Miscellaneous Application is disposed of with the aforesaid observations and directions.

(Sunil Dutta Mishra, J)

saaurabhkr/-

U			
---	--	--	--

