

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1694 of 2017**

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Smt. Pushpa Kumari, Wife of Sri Rakesh Kumar Gupta, Resident of
Mohallah- New Godown, Rajendra Path, P.S. Kotwali, District- Gaya.

... .. Petitioner/s

Versus

Arvind Kumar Jain, Son of late Tara Chand Jain, Resident of Mohallah-
Durga Shankar Road, Gaya, P.S. Kotwali, District- Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. J.S. Arora, Senior Advocate Mr. Ashutosh Singh, Advocate
For the Respondent/s	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

5 14-02-2023 Heard Mr. J.S. Arora, learned senior counsel for the
petitioner.

2. This application has been filed against the order dated 19.05.2017 passed by learned Subordinate Judge III, Gaya in Title Suit Eviction No. 2 of 2012, whereby he has rejected the petition dated 13.12.2016 filed by the petitioner for recalling the order dated 28.09.2016.

3. Learned senior counsel submits that subsequent to the impugned order dated 19.05.2017, an additional written statement on behalf of the defendant has been filed. It is also stated that vide order dated 19.11.2019, the amendment in the written statement of the defendant has been allowed by the learned trial court and due to that reason further evidence is required to be examined by defendant.



4. In view of the aforesaid development, learned senior counsel further submits that this Civil Miscellaneous application may be disposed of with liberty to the petitioner to file appropriate application for adducing evidence before the court concerned.

5. In view of the submissions of the learned senior counsel for the petitioner, this Civil Miscellaneous Jurisdiction case is disposed of with liberty to the learned counsel for the petitioner as prayed for.

(Sunil Dutta Mishra, J)

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