

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.808 of 2018

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Krishnadeo Rai Son of Late Raghu Nath Rai Resident of Village P.O. P.S. Garkha, District Saran.

... .. Petitioner/s

Versus

1. Awadhesh Singh and Ors Son of Late Mathura Singh Resident of Village P.O. P.S. Garkha, District Saran.
2. Umesh Singh Son of Late Mathura Singh Resident of Village P.O. P.S. - Garkha, District Saran.
3. Shanti Devi Wife of Sheo Pujan Rai
4. Niranjana Rai Son of Late Bhola Rai
5. Rajmati Devi Wife of Late Bhola Rai
6. Devanti Devi
7. Jhunia Devi Both Daughters of Late Sakal Rai All residents of Village P.O. P.S. Garkha, District Saran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Nagendra Rai
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 04-09-2023 Heard the parties.

2. This application has been filed on behalf of the petitioner for setting aside the order dated 20.03.2018 passed by Sub-Judge-11, Chappra in Title Suit No. 450 of 2000 by which the learned Judge has allowed the application filed by the plaintiff under Order VI Rule II of the C.P.C. and has directed for deleting Para V the evidence of D.W. 3 as the same was not in accordance with the pleadings of the defendant-petitioner.



3. I have heard the learned counsel for the petitioner and learned counsel for the respondent No. 01 and they have jointly submitted that instead of deleting para V entirely, the year of death of the persons mentioned in para V may only be deleted in the interest of justice.

4. In view of the aforesaid submission of the parties, this application is allowed partially and the impugned order is modified to the extent that the statement made in para V of the evidence of D.W. 03 shall remain the same and only the year of death of the persons mentioned therein shall be treated to have been deleted.

5. With the aforesaid directions, this application is disposed of.

(Sandeep Kumar, J)

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