

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1071 of 2019**

1. Ram Kumari Devi W/o Late Mahendra Sah@ Late Maharusah, Resident of Village Harpurkalan, P.S.Majorganj, District- Sitamarhi.
2. Upendra Sah, Son of late Mahendra Sah@ Late Maharu Sah, Resident of Village Harpurkalan, P.S.Majorganj, District- Sitamarhi.
3. Kalar Sah, Son of Dukhit Sah, Resident of Village Harpurkalan, P.S.Majorganj, District- Sitamarhi.

... .. Petitioner/s

Versus

1. The State of Bihar through its Collector Sitamarhi.
2. The Circle Officer Majorganj, District- Sitamarhi.
3. The Mukhia Village Panchayat Ratanpur, P.S. Majorganj, District- Sitamarhi.
4. Motial Sah, Son of late Vishnu Sah, Resident of Village- Harpurkala P.S.Majorganj, District- Sitamarhi.
5. Gambhira Sah, Son of late Bathu Sah, Resident of Village- Harpurkala P.S.Majorganj, District- Sitamarhi.
6. Jawaharlal Sah, Son of late Bathu Sah, Resident of Village- Harpurkala P.S.Majorganj, District- Sitamarhi.
7. Awadh Lal Sah, Son of late Bathu Sah, Resident of Village- Harpurkala P.S.Majorganj, District- Sitamarhi.
8. Bihari Lal Sah Son of late Bathu Sah, Resident of Village- Harpurkala P.S.Majorganj, District- Sitamarhi.
9. Chandra Sah, Son of late Saheru Sah, Resident of Village- Harpurkala P.S.Majorganj, District- Sitamarhi.
10. Virendra Sah, Son of late Saheru Sah, Resident of Village- Harpurkala P.S.Majorganj, District- Sitamarhi.c
11. Dharam Lal Sah, Son of Kalar Sah, Resident of Village- Harpurkala P.S.Majorganj, District- Sitamarhi.
12. Brahmdeo Sah, Son of Kaler Sah, Resident of Village- Harpurkala P.S.Majorganj, District- Sitamarhi.
13. Panchayat Secretary Village Panchayat Raj Ratanpur, P.S. Majorganj, District- Sitamarhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Uday Kumar, Advocate
For the Respondent/s	:	Mr. Subhash Chandra Yadav (GP-15)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 13-10-2023 1. The present application has been filed for
quashing of the order dated 8.5.2019 passed by Munsif, Sadar,



Sitamarhi in Title Suit No. 19 of 2013/CIS No. 516 of 2014 by which, the application dated 1.4.2019 for recall of the evidence of the plaintiff for purposes of proving the notice under Section 80 of the C.P.C. has been rejected.

2. It was submitted on behalf of the plaintiff that due to mistake, the notice under Section 80 of the C.P.C. could not be exhibited by the petitioner and it is necessary for just disposal of the case, and therefore, the evidence of the plaintiff was allowed to be reopened for the said purpose.

3. The State had opposed the application in the court below and has submitted that the evidence of the plaintiff was closed and thereafter now at this late stage, the same cannot be allowed.

4. I have heard and considered the submissions of the parties, In my opinion, for a just decision of the case and in the interest of justice, the petitioner deserves one chance to prove the notice under Section 80 of the C.P.C. and therefore, he permitted to leave evidence of one witness for given under Section 80 of the C.P.C. within a month of communication of the order of this Court.

5. No further evidence shall be laid by the plaintiff, thereafter, the Suit will be decided in accordance with law.



6. With the aforesaid observations and directions,
this application is allowed.

(Sandeep Kumar, J)

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