

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.638 of 2017

Tetari Devi Wife of Jogendra Prasad @ Tuntun Prasad, R/o Village-
Bhopatpur, Bharatia, P.S.- Basantpur, District- Siwan.

... .. Petitioner/s

Versus

1. Harendra Bhagat
2. Dharendra Bhagat Both Son of Yodha Bhagat R/o Village- Bhopatpur, Bharatia, P.S.- Basantpur, District- Siwan.
3. Yogendra Prasad @ Tuntun Prasad, S/o Jodha Bhagat
4. Meghnath Prasad, Husband of Gyaso Devi
5. Manoj Prasad
6. Shatrughan Prasad Both Sons of Meghnath Prasad
7. Gita Devi
8. Bindu Devi Both Daughter of Meghnath Prasad, All Resident of Mauza- Bhopatpur Bharalia, P.S.- Basantpur, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kant
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 01-09-2023 Heard learned counsel for the petitioner. No one appears for the Respondents though notices have been validly served.

2. The petitioner has filed the present application for quashing the order dated 21.01.2017 passed by the Sub-Judge-X, Siwan in Title Suit No. 326 of 1999 by which the application for recall of order closing the evidence of the petitioner and permitting the evidence of the petitioner who is the defendant has been rejected.

3. It has been submitted by learned counsel for the



petitioner that the petitioner who is the defendant in the court below had filed an application for her examination as party as she could not be examined earlier when the defendant's evidence was going on due to illness.

4. Learned counsel for the petitioner further submits that the evidence of the petitioner is necessary for the just decision of the case and no prejudice will be caused to the other side if the defendant is permitted to be examined.

5. I have considered the submissions of the petitioner.

6. In view of the above and in the interest of justice, this application is allowed.

7. Accordingly, the order dated 21.01.2017 is hereby quashed.

8. The defendant is permitted to be examined within a month from the date of receipt/ production of a copy of this order.

(Sandeep Kumar, J)

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