

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1368 of 2019

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Arun Kumar Agrawal S/o Late Dr. Ram Swaroop Agrawal Permanent resident
of T-8 Eagleton Golf Resort, 30 km. Bangalore Mysore Highway, Bidadi,
District- Ramnagra-562109, Karnataka

... .. Petitioner/s

Versus

Anil Agrawal S/o Late Kedar Nath Agrawal Resident of Jawahar Lal Road,
Town and District- Muzaffarpur, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Amit Shrivastava, Senior Advocate Mr. Girish Pandey
For the Respondent/s	:	Mr. S.S. Dwivedi, Senior Advocate Mr. Raghiv Hasan, Senior Advocate Mr. Wasi Akhtar

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

6 19-09-2023 Heard the parties.

2. Learned Senior Counsel for both the parties have jointly agreed that the application dated 28.06.2019 may be pressed by the petitioner herein at a stage when the evidence of the witnesses to be examined by the petitioner starts.

3. In view of the above, this application is disposed of with liberty to the petitioner to press his application dated 28.06.2019 at the stage as discussed above.

4. The impugned order dated 19.07.2019 and 21.07.2019, in view of the above, will not come in the way of consideration of the application of the petitioner after closing of the evidence of the Respondents.



5. It goes without saying that the petitioner cannot be debarred from leading oral evidence in support of the case. The apprehension of the petitioner is that he may be debarred from leading oral evidence in support of his case is misconceived and the court below cannot debar a party from leading oral evidence.

6. Learned Senior Counsel for the petitioner has submitted that the Supreme Court in the order dated 01.03.2019 has directed for expeditious disposal of the case and preferably within one year from the date of receipt of a copy of the Supreme Court. Now, it is directed, in view of the direction of the Supreme Court, that the ADJ concerned hearing the Probate Case will dispose of the same within one year from the date of receipt/production of a copy of this order and a compliance report be sent to this Court.

(Sandeep Kumar, J)

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