

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1547 of 2018

=====

Surendra Prasad Singh @ Suresh Singh, Son of Late Ram Anup Singh,
Resident of Village- Gumti, P.S.- Raja Pakar, District- Vaishali.

... .. Petitioner/s

Versus

1. Satrugan Prasad Singh
2. Kusheshwar Prasad Singh, Both sons of Late Saryug Singh,
3. Smt. Shanti Devi
4. Smt. Shakuntala Devi, Both daughters of Late Saryug Singh, All resident of Village- Gumti, P.S.- Raja Pakar, District- Vaishali.
5. Asha Devi
6. Sudha Devi
7. Usha Devi, All Daughters of Late Ram Anup Singh,
8. Shri Anirudh Singh
9. Nirmal Kumar Singh, All Sons of Late Ram Anup Singh, All resident of Village- Gumti, P.S.- Raja Pakar, District- Vaishali.
10. Shri Bhola Singh, Son of Late Ram Chandra Singh, Resident of Village- Gumti, P.S.- Raja Pakar, District- Vaishali.
11. Anand Kumar
12. Rajesh Kumar, Sons of Satrugan Singh,
13. Sri Ajay Kumar
14. Sri Abhay Nandan
15. Sri Alok Jawahar, All Sons of Sri Kusheshwar Pd. Singh, All residents of Village- Gumti, P.S.- Raja Pakar, District- Vaishali.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Satish Narain Singh, Advocate
For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

8 13-03-2023 Heard learned counsel for the petitioner.

This Civil Miscellaneous Application has been filed
under Article 227 of the Constitution of India against the order
dated 18.07.2018 passed in Title Suit No. 397 of 1998 by



learned Sub-Judge XV, Vaishali at Hajipur whereby and whereunder the learned Court below closed the evidence of the petitioner / defendant No. 3.

Learned Counsel for the petitioner submits that the petitioner was ill and due to his illness he could not produce the witness for giving evidence and accordingly not adducing the witness was not deliberate and there was no willful latches on the part of the petitioner. Further, he submits that the learned Court below ought to have provided more time for producing the evidence to the petitioner / defendant No. 3.

From the record, it appears that on 19.05.2018 last opportunity was given to the petitioner to produce the evidence. However, he failed to produce the same. Thereafter, on 03.07.2018, further time as last chance was granted to the petitioner to produce the evidence imposing cost but on 18.07.2018 also petitioner failed to produce any evidence. Accordingly, the learned Court below closed the evidence of defendant No. 3.

Having heard the learned counsel for the petitioner and on perusal of the record, it appears that the suit is of year 1998 and despite the sufficient opportunity given to the petitioner / defendant No. 3 he failed to produce evidence and is



now taking plea of general ground of his illness without any details, I do not find any irregularity or any illegality in the impugned order accordingly no interference is required by this Court in the supervisory jurisdiction under Article 227 of the Constitution.

Accordingly, this Civil Miscellaneous Application is dismissed.

(Sunil Dutta Mishra, J)

ashutosh/-

U			
---	--	--	--

