

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.262 of 2023**

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Satyam Kumar Bharti Son of Bidhan Chandra Bharti Resident of Village- Loharajpur, P.O. and P.S.- Biharsharif, District- Nalanda, at present Resident of Koyala Depot, P.O.- Sector 9, Bokaro Steel City, Bokaro (Jharkhand).

... .. Petitioner/s

Versus

Rajani Kumari, Daughter of Awadhesh Giri Resident of Village- Dhanadihari, P.O.- Dhanadihari, P.O.- Parsa Bigha, District- Jehanabad, At present resident at Magadh Colony, Chapardah Road, House of Mahesh Yadav, P.O.- Chandauti, P.S.- Magadh Medical, District- Gaya.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr.Davendra Kumar Pandey, Adv.

For the Respondent/s : Mr.Rajesh Kumar Mishra, Adv.

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA  
ORAL JUDGMENT**

**Date : 13-11-2024**

Heard learned counsel for the parties.

2. The petitioner is aggrieved by the order dated 24.11.2022 passed by the learned Principal Judge, Family Court, Gaya in M.T. Suit No. 260 of 2016 whereby and whereunder the application filed by the petitioner for cross examination of the witnesses of the respondent has been refused.

3. Learned counsel submits that the learned counsel for the petitioner ought to be given last opportunity and he will cross examine all the witnesses of the respondent in a day or two and also get himself examined within a stipulated time and will not misuse this opportunity.

4. Learned counsel appearing on behalf of the

respondent vehemently opposes the submission made on behalf of the petitioner. Learned counsel for the respondent submits that the impugned order makes it very much clear that it is due to the acts of the petitioner that matrimonial case is still pending while it has been filed in the year 2016. The learned counsel further submits that if this Court is inclined to allow the petition the same should be subject to cost and with further stipulation that no unnecessary adjournment would be granted and the witnesses would be examined and cross examined within a stipulated time frame.

5. Having regard to the submission of the parties and without going into the merits of the case and considering the fact that every party should get a fair opportunity to contest the case and put forward his case for adjudication, the impugned order dated 24.11.2022 is set aside to the extent that it disallows the application dated 23.11.2022 subject to payment of cost of Rs.25,000/- to the respondent on the date of hearing before the learned trial court.

6. The petitioner would cross examine the witnesses of the respondent and get himself examined during 02.12.2024 to 07.12.2024 before the learned Principal Judge, Family Court, Gaya which will fix the dates accordingly and the learned trial

court is further directed not to grant any unnecessary adjournment to either of the parties and if any adjournments are granted, the same should be subject to payment of cost.

7. With the aforesaid observation/direction the present petition stands disposed of.

**(Arun Kumar Jha, J)**

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