

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1440 of 2017

Geeta Biswas daughter of Late Suresh Biswas, wife of Uttam Kumar Deonath, Resident of Village P.O.- Idgah Raod Narkatiaganj, Police Station- Shikarpur, District- West Champaran.

... .. Petitioner/s

Versus

1. Saraswati Devi and Ors wife of Late Ramdhari Prasad, Resident of Village- Purani Bazar Narkatiaganj, P.O.- Narkatiaganj, Police Station- Shikarpur, District- West Champaran.
2. The State of Bihar through the Collector, West Champaran, Bettiah, Village P.O. Police Station- Bett
3. The Anchal Adhikari, Narkatiaganj, Police Station- Shikarpur, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra
For the Respondent/s : Mr. Sajid Salim Khan, SC-25

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

7 22-08-2025 Heard learned counsel for the petitioner and learned counsel appearing on behalf of the State.

2. The present Civil Miscellaneous application has been filed for setting aside the order dated 21.06.2017 passed by the learned Munsif, Narkatiaganj, District-West Champaran in Title Suit No. 250 of 2003. By the aforesaid order, the Trial Court has rejected the petition dated 20.04.2017 filed by the plaintiff. For recalling the order dated 10.09.2012 passed in Title Suit No. 250 of 2003 by which the evidences of the plaintiff was closed and prayer for giving an opportunity to the plaintiff/petitioner for examination of witnesses on her behalf,



who could not be examined in the suit, has been rejected..

3. Learned counsel for the petitioner submits that for the proper adjudication of the suit, it is essential that the evidence of the plaintiff, and other certain witnesses, is to be recorded. Without such evidence, the suit cannot be decided properly and effectively on its merits.

4. On the other hand, learned counsel appearing on behalf of the respondent-State strongly opposes the prayer and submits that the suit dates back to the year 2003, and the plaintiff has caused significant delay in examining his witnesses.

5. From the submissions made by learned counsel for the petitioner, it appears that the plaintiff's evidence has not yet been recorded. Therefore, in the interest of justice and for proper adjudication of the matter, the evidence of the plaintiff and his witnesses is necessary. However, it also cannot be overlooked that the defendant has suffered considerable hardship due to the plaintiff's lackadaisical approach and delay in adducing her evidence.

6. In these circumstances, the Civil Miscellaneous Application is allowed, subject to a cost of Rs. 10,000/-. The petitioner/plaintiff is directed to complete the examination of all his witnesses within one month on a day-to-day basis after



receipt/production of this order. If the defendant wishes to rebut any of the evidence so adduced, he shall be at liberty to lead evidence on those specific facts. The cost shall be paid to the respondent/defendant.

7. Accordingly, the present Civil Miscellaneous No. 1440 of 2017 stands disposed of.

(S. B. Pd. Singh, J)

Ankit Kumar/-

U			
---	--	--	--

