

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.308 of 2024**

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Ram Bilash Yadav S/o Late Ram Sharan Yadav, resident of village  
Mukhtapur, P.S.- Kalyanpur, District- Samastipur.

... .. Petitioner/s

Versus

Lakshman Yadav S/o Late Ram Lalden Yadeav, resident of village  
Mukhtapur, P.S.- Kalyanpur, District- Samastipur.

... .. Respondent/s

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**Appearance :**

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|----------------------|---|--------------------------------------|
| For the Petitioner/s | : | Mr. Choudhary Shyam Nandan, Advocate |
| For the Respondent/s | : | Mr. Rajni Kant Singh, Advocate       |
|                      |   | Mr. Manish Kumar, Advocate           |
|                      |   | Mr. Sandeep Kumar, Advocate          |

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

4      21-04-2025                      Heard learned counsel for the petitioner as well as  
  
learned counsel for the respondent.

2. The petitioner is aggrieved by the order dated  
18.01.2024 passed by learned Sub Judge-V, Samastipur in Title  
Suit No. 141 of 2009 whereby and whereunder a petition dated  
26.04.2023 filed by the defendant/respondent for cross-  
examination of defendant Laxman Yadav has been allowed with  
cost of Rs. 1,000/-.

3. Learned counsel for the petitioner submits that the  
defendant has a tendency to linger on the matter and filing  
application for taking on record the evidence of defendant's  
witness Laxman Yadav and his cross-examination being sought  
by the defendant himself is only to delay the matter. However,



learned counsel submits that if this Court is inclined to uphold the impugned order, then a date may be fixed for cross-examination of the said witness Laxman Yadav and no further opportunity should be given to the defendant.

4. Learned counsel for the respondent submits that the examination-in-chief of witness of sole defendant Laxman Yadav was filed on 22.09.2022 but his cross-examination could not be done due to objection taken by the plaintiff. Learned counsel further submits that on 11.04.2023, the evidence of the defendant was closed at the prayer of learned counsel for the plaintiff though the learned counsel for the defendant was not present. Therefore, no orders have been passed on the affidavit of examination-in-chief of defendant's witness Laxman Yadav. Learned counsel thus submits that the learned trial court considering this fact has passed the impugned order.

5. Having regard to the facts and circumstances and submissions made on behalf of the parties, since the plaintiff/petitioner is approached this Court against the order dated 18.01.2024 by which the learned trial court allowed the cross-examination of defendant's witness Laxman Yadav at the cost of Rs. 1,000/-, for furthering the ends of justice, I do not think the learned trial court committed any error while passing



the impugned order. If the evidence of the defendant's witness Laxman Yadav without cross-examination was existing on record, it is even for the benefit of the plaintiff that this witness should be cross-examined. Therefore, without going into the chronology of the events of the Title Suit No. 141 of 2009 and merits of submissions of parties, the impugned order dated 18.01.2024 is upheld to the extent that the defendant's witness Laxman Yadav was allowed to be cross-examined on payment of cost of Rs. 1,000/- with condition that the learned trial court would fix a date for cross-examination of this witness and ensure that the cross-examination is completed on the same date and if not possible, then on the next consecutive date.

6. With the aforesaid direction, the present petition stands disposed of.

**(Arun Kumar Jha, J)**

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