

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.488 of 2023

Shahida Parveen Wife of Abdul Kudus, Resident of Mohalla-Neem Gandhi (Trembore) Mandai Kishwar Kahan, P.O. and P.S.-Sasaram, District-Rohtas at present resident of Mohalla-Barah Pathar, P.O. and P.S.-Dehri, District-Rohtas. Petitioner/s

Versus

1. Md. Payaz son of Late Mohammad Ilyas, Resident of Village-Kabirganj, Police Station-Sasaram Town, District-Rohtas.
2. Md. Neyaz, son of Late Mohammad Ilyas, Resident of Village-Kabirganj, Police Station-Sasaram Town, District-Rohtas.
3. Rajiya Khatoon, son of Late Mohammad Ilyas, Resident of Village-Kabirganj, Police Station-Sasaram Town, District-Rohtas.
4. Sahjado Sadiya, son of Late Mohammad Ilyas, Resident of Village-Kabirganj, Police Station-Sasaram Town, District-Rohtas.
5. Sultana Khatoon, Daughter of Late Mohammad Ilyas, Resident of Village-Kabirganj, Police Station-Sasaram Town, District-Rohtas.
6. Ajmeri Khatoon, Daughter of Late Mohammad Ilyas, Resident of Village-Kabirganj, Police Station-Sasaram Town, District-Rohtas.
7. Nuri Khatoon, Daughter of Late Mohammad Ilyas, Resident of Village-Kabirganj, Police Station-Sasaram Town, District-Rohtas.
8. Nurah Khatoon, Daughter of Late Mohammad Ilyas, Resident of Village-Kabirganj, Police Station-Sasaram Town, District-Rohtas.
9. Raushan Khatoon, Son of Late Mohammad Ilyas, Resident of Village-Kabirganj, Police Station-Sasaram Town, District-Rohtas.
10. Mohammad Gayas, son of Late Mohammd Ilyas, Resident of Village-Kabirganj, Police Station-Sasaram Town, District-Rohtas.
11. Mohammad Reyaz, son of Late Mohammad Ilyas, Resident of Village-Kabirganj, Police Station-Sasaram Town, District-Rohtas.
12. Wakar Atik, son of Late Md. Atik Ahmad, Resident of Mohalla-Gandhi Neem Mandai Keshwar Khan, P.O. and P.S.-Sasaram, District-Rohtas at present Rekabganj (Taksal), P.O. and P.S.-Faizabad, District-Faizabad (U.P.).
13. Amir Atik, son of Late Md. Atik Ahmad, Resident of Mohalla-Gandhi Neem Mandai Keshwar Khan, P.O. and P.S.-Sasaram, District-Rohtas at present Rekabganj (Taksal), P.O. and P.S.-Faizabad, District-Faizabad (U.P.).
14. Sabana Fatama, Daughter of Md. Atik Ahmad, Resident of Mohalla-Gandhi Neem Mandai Keshwar Khan, P.O. and P.S.-Sasaram, District-Rohtas at present Rekabganj (Taksal), P.O. and P.S.-Faizabad, District-Faizabad (U.P.).
15. Rupana Fatama, Daughter of Md. Atik Ahmad, Resident of Mohalla-Gandhi Neem Mandai Keshwar Khan, P.O. and P.S.-Sasaram, District-Rohtas at present Rekabganj (Taksal), P.O. and P.S.-Faizabad, District-Faizabad (U.P.).

... .. Respondent/s

Appearance :



For the Petitioner/s : Mr.Raghunandan Kumar Singh
For the Respondent/s : Mr.Nawaz Shareef

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

10 10-10-2025 Heard learned counsel appearing on behalf of both the parties.

2. The present Civil Miscellaneous application has been filed for setting aside the order dated 09.01.2023 passed in Title Suit No. 639 of 2009 by the learned Court of Sub-Judge-V cum Additional Chief Judicial Magistrate, Sasaram, Rohtas by which the learned Court below has rejected the petition dated 16.12.2022 and closed the evidence.

3. Learned counsel for the petitioner submits that the Title Suit No. 639 of 2009 has been filed for declaration of Title over the Suit plot and after closure of the evidence of plaintiff, a petition was filed to recall the said order and get certain documents exhibited through her evidence which was not allowed by the impugned order dated 09.01.2023.

4. Learned counsel for the respondent vehemently opposes the above contention of the petitioner and submits that so many times, petitioner was given opportunity to give her evidence but she could not avail the opportunity.

5. From perusal of the impugned order, it appears that so many times the evidence of plaintiff has been closed and



opportunity was given to her to adduce evidence but evidence was not adduced timely and further time was sought for on her behalf. The evidence of defendant has also been completed.

6. After hearing both the parties, it appears that the evidence of plaintiff is essential for complete and proper adjudication of the case. However, much delay has been caused in adducing the evidence.

7. Keeping in view the aforesaid facts, the present Civil Miscellaneous application stands allowed subject payment of cost of Rs. 5,000/- (five thousand) and one more opportunity is given to the petitioner to adduce her evidence. The aforesaid cost shall be payable to the defendant by the petitioner within a period of one month from the date of production/receipt of this order.

8. Accordingly, the present Civil Miscellaneous application stands disposed of.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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