

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.773 of 2017

=====

Ramdev Mehta, Son of Satya Narain Mehta, resident of Sadanandpur, P.S. Bhaptiyahi, District- Supaul.

... .. Petitioner/s

Versus

- 1.1. Satya Narayan Mehta, Son of late Harilal Mehta, R/o Shahpur, P.S. Bhaptiyahi, District-Supaul.
- 1.2. Awadh Narain Mehta, Son of late Harilal Mehta, R/o -Sadanandpur, P.S. Bhaptiyahi, District- Supaul.
- 1.3. Ranjeet Mehta, Son of late Ramnarain Mehta, R/o -Sadanandpur, P.S. Bhaptiyahi, District- Supaul.
- 1.4. Sanjeet Mehta, Son of late Ramnarain Mehta, R/o -Sadanandpur, P.S. Bhaptiyahi, District- Supaul.
2. Jagarnath Mehta, Son of Harilal Mehta, Both are resident of Sadanandpur, P.S. Bhaptiyahi, Dist.- Supaul.
3. Shanichar Sada Mushar.
4. Parmeshwari Sada Mushar. Both are sons of Late Kari Sada (Mushar). resident of Sadanandpur, P.S. Bhaptiyahi, District- Supaul, presently residing at Basmatiya, P.S. Ghurna, District- Araria.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Singh, Advocate
For the Respondent/s : None.

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 06-02-2025

Heard learned counsel for the petitioner.

2. However, no one appears for the respondents. It transpires from the previous order that matter was fixed today by way of last opportunity to the respondents.

3. The petitioner is aggrieved by the order dated 27.03.2017 passed by learned Sub Judge-IV, Supaul in Title Suit No. 79/2004 whereby and whereunder the evidence of the



defendant 2nd set was closed.

4. The learned counsel for the petitioner submits that on 18.03.2017, the case was fixed for evidence of defendant no.3, who is petitioner herein and a petition for time has been allowed with cost of Rs.100/- and next date was fixed for 27.03.2017. On that day, the defendant no.3/petitioner suddenly fell ill and, for this reason, another time petition was filed on his behalf on 27.03.2017. The learned Sub Judge-IV, Supaul rejected the time petition and closed the evidence of defendant no.3/petitioner. The learned counsel further submits that the petitioner is an old person and after falling ill, he was treated in Referral Hospital, Raghapur on 27.03.2017 and, for this reason, he could not appear before the learned Sub Judge-IV, Supaul and relevant documents in this regard have been annexed with the present petition. The learned counsel further submits that evidence of defendant no. 3/petitioner is necessary for proper adjudication of the title suit and if the petitioner is not given opportunity, he would suffer irreparable loss. The learned counsel further submits that further proceeding in Title Suit No. 79/2004 has been stayed by the orders of a Coordinate Bench of this Court dated 15.05.2018.

5. Perused the record.



6. Having regard to the facts and circumstances of the case as well as submission made on behalf of the petitioner, I think the petitioner could be given an opportunity to adduce his evidence and without going further into the details, the order dated 27.03.2017 is set aside and the petitioner is directed to adduce his evidence on three consecutive dates before the learned trial court and the learned trial court would ensure that no unnecessary adjournment is granted to the parties.

7. With the aforesaid observations/directions, the present petition stands allowed.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.02.2025
Transmission Date	NA

