

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.507 of 2024

Gopal Prasad Son of- Late Balgovind Ravat Resident of Village- Kajipur,
P.O.- Rasalপুরा, P.S- Doriganj, District- Saran (841211)

... .. Petitioner/s

Versus

1. Nagendra Prasad Son of Late Bateshwar Ravat Resident of Village- Kajipur, P.O.- Rasalपुरा, P.S.- Doriganj, District- Saran (841211).
2. Satyendra Prasad Son of Late Bateshwar Ravat, Resident of Village- Kajipur, P.O.- Rasalपुरा, P.S.- Doriganj, District- Saran (841211).
3. Jitendra Prasad Son of Late Bateshwar Ravat, Resident of Village- Kajipur, P.O.- Rasalपुरा, P.S.- Doriganj, District- Saran (841211).
4. Asha Devi, Wife of- Raghuvansh Prasad, Daughter of- Late Bateshwar Ravat, Resident of Village- Majlishpur, P.O- Mathura, Sultanpur, P.S- Bidupur, District- Vaishali.
5. Meena Devi, Wife of - Manohar Rai, Daughter of- Late Bateshwar Ravat, Resident of Village- Chandvara, P.O- Lalganj, P.S- Lalganj, District- Vaishali at present resident of Village- Kajipur, P.O- Rasalपुरा, P.S- Doriganj, District- Saran.
6. Bhagwan Sah, Son of- Late Mahendra Sah, Resident of Village- Manpur, P.O- Rasalपुरा, P.S- Doriganj, District- Saran.
7. Madhu Devi, Wife of- Sudhanshu Kumar, Resident of Village- Kajipur, P.O- Rasalपुरा, P.S- Doriganj, District- Saran.
8. Subodh Kumar Son of Damodar Ravat, Resident of Village- Manpur, P.O- Rasalपुरा, P.S- Doriganj, District- Saran.
9. Sudhir Kumar Son of Damodar Ravat Resident of Village- Manpur, P.O- Rasalपुरा, P.S- Doriganj, District- Saran.
10. Phulpati Devi, Wife of Ravidra Prasad, Daughter of- Late Balgovind Ravat, Resident of village- Murtuzapur, P.O- Jandaha, District- Vaishali at present Village- Kajipur, P.O- Rasalपुरा, P.S.- Doriganj, District- Saran.
11. Devanti Devi, Wife of- Baijnath Rai, Daughter of - Late Balgovind Ravat, Resident of village- Lavapur, P.O- Lavapur, P.S- Mahnar, District- Vaishali at present Village- Kajipur, P.O- Rasalपुरा, P.S- Doriganj, District- Saran.
12. Munga Devi Wife of- Aklu Ravat, Resident of Village- Kajipur, P.O- Rasalपुरा, P.S- Doriganj, District- Saran.
13. Manoj Kumar Son of Aklu Ravat Resident of Village- Kajipur, P.O- Rasalपुरा, P.S- Doriganj, District- Saran.
14. Sanjay Kumar Son of Aklu Ravat Resident of Village- Kajipur, P.O- Rasalपुरा, P.S- Doriganj, District- Saran.
15. Beby Kumari Daughter of Aklu Ravat Resident of Village- Kajipur, P.O- Rasalपुरा, P.S- Doriganj, District- Saran.
16. Vibha Kumari Daughter of Aklu Ravat Resident of Village- Kajipur, P.O- Rasalपुरा, P.S- Doriganj, District- Saran.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Baban Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT
Date : 23-03-2026

This Civil Miscellaneous Application has been filed for the following reliefs:

“(i) For setting aside the order dated 04.01.2023 passed by the learned Court of Sub Judge VII, Chapra in TPS No 350 of 2006.

(ii) For directing the Trial Court to dispose of the Title Partition Suit at the earliest.

(iii) For granting any other relief/reliefs for which the petitioner is entitled for.”

2 Heard learned lawyer for the petitioner. He submits that Title Partition Suit No 350 of 2006 has been filed for partition of the suit property. In this case, issues were framed on 28.03.2011 which appears from the impugned order. Subsequently, amendment petition on behalf of the plaintiff was filed which was allowed on 25.07.2019. One of the witness examined on behalf off the plaintiff was not cross examined by the defendant first set, i e, defendants No 1, 2 and 3. Subsequently, a petition to recall the witness was filed on 21.12.2022 against which rejoinder was also filed on 21.03.2023. Ultimately, the recall petition of defendants was allowed and they were permitted to examine the witness earlier examined subject to payment of cost of Rs 6,00/- to the plaintiff.

3 It is well settled that without cross examination, the evidence of any witness has no evidentiary value. Further, defendants have pleaded, as



per impugned order, that they were outside the town so they could not cross examine the said witness and considering the above facts, the trial Court has allowed the petition filed by the defendants. So, there is no illegality and infirmity in the impugned order.

4 Accordingly, the impugned order is upheld and the Civil Miscellaneous Application is dismissed.

5 The learned trial Court is requested to expedite the trial.

(S. B. Pd. Singh, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.03.2026
Transmission Date	NA

