



**In the Court of : SUB-JUDGE-I, BAKHRI**  
**Present: MANOJ KUMAR SINGH, CIVIL JUDGE (Sr. Div.), BAKHRI, BEGUSARAI.**  
**Title Suit No.-236/2014, CIS Reg. No.-236/2014**

In the matter of-

Ravi Mahto &amp; Ors.

..... Plaintiffs

BRBE220000322014

Vs.

Kallar Mahto &amp; Ors.

..... Defendants

Sl.	Date of Order of proceedings	Order with signature of the Court	Office action taken with date
1	2	3	4
	<b>20.08.25</b>	<p>Today the case record is fixed for order after hearing on petition dt.-10.01.25 filed by Plaintiff. Copy of petition has been served upon the defendant.</p> <p style="text-align: center;"><b><u>ORDER</u></b></p> <p>Ld. Counsel of the plaintiff pressed the petition dt.-09.05.25 and submitted therein that the present case is fixed for evidence of defendants. Earlier, the case was fixed for the evidence of plaintiff but, the advocate clerk did not inform the plaintiff for long time so the plaintiff did not produce evidence in the case. The present court had been pleased to close the evidence of plaintiff on 26/06/2023 due to which the plaintiff will suffer irreparable loss. The plaintiff has very strong case by documents which has to be proved by the evidences. It has been further submitted that for the ends of justice the order dated 26/06/2023 is required to be recalled and an opportunity has to be given to the plaintiffs for adducing their evidence in the case. The plaintiff under takes to obey the direction of this court in time. Ld. counsel made a prayer to recall the order dt.-26.06.25 and permit to adduce evidence.</p> <p>The defendant has opposed the plaintiff's petition dt.-09.05.25 filed by defendant 1<sup>st</sup> party through rejoinder dt.-23.06.25 and submitted that the application dated 10.01.25 filed by the plaintiff is not admissible and maintainable under facts, law and natural justice. The court has already passed an order to the plaintiff to bring the witness and the court has given the plaintiff a chance to bring the witness on several dates but even after getting sufficient time, the evidence has not been filed in the court. Para No. 2,4,5, 6 of the plaintiff's application are completely false, fabricated, baseless, ineffective statements beyond the truth, which the plaintiff has not confirmed with evidence. The defendant has already filed an affidavit of examination-in-chief in the court and the witness has been discharged by the court. Despite the plaintiff getting sufficient time by the court to produce witnesses, by not producing evidence in the court on time and again getting the order passed on 26-06-23 recalled on the basis of a false and fabricated application, the plaintiff is deliberately trying to delay the defendant from getting timely justice. If the plaintiff's recall application is accepted, then the defendant may have to face irreparable loss and the defendant will be deprived of getting timely justice. Ld. counsel made prayer to reject the petition in hand.</p> <p>Heard and Perused the record. From perusal it transpires that the record is running for defendant's evidence. The evidence of plaintiff has been closed vide order dt.-26/06/2023.</p> <p>It is a well settled rule of law that for the full and proper determination and adjudication of the facts of the suit it is necessary that the parties should have an opportunity to bring all material necessary for proper adjudication of the suit. The procedure must not come in the way</p>	
	<b><u>Continued</u></b>		



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	<b>20.08.25</b>	<p>of substantial adjudication i.e. legal processes should be designed to ensure fair and just outcomes, rather than being overly focused on strict adherence to technicalities that might prevent a decision on the merits of a case. In essence, the law's mechanisms should facilitate justice, not hinder it. Section 151 of the Code provides that nothing in the Code shall be deemed to limit or otherwise affect the inherent powers of the Code to make such orders as may be necessary for the ends of justice or to prevent the abuse of the process of the court. In the absence of any provision providing for re-opening of evidence or recall of any witness for further examination or cross-examination, for purposes other than securing clarification required by the court, the inherent power under section 151 of the Code, subject to its limitations, can be invoked in appropriate cases to re-open the evidence and/or recall witnesses for further examination. Therefore, an opportunity to a party to re-open the evidence can be granted by a court in exercise of its inherent jurisdiction under section-151 of CPC.</p> <p>Considering the facts and circumstances of this case the petition dt.- 10.01.25 filed by defendant 1<sup>st</sup> is hereby <b><i>allowed and order dt.- 26/06/2023 is recalled with cost of Rs. 600/- payable to the defendants.</i></b></p> <p>Accordingly, defendants' petitions dt.- 10.01.25 is disposed of.</p> <p>Put up on ..... for further proceedings.</p> <p style="text-align: right;"><b>(Manoj Kr Singh)</b> Sub-Judge-I, Bakhri, Begusarai.</p>	