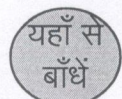


COURT OF CIVIL JUDGE Jr. DIVISION**ARERAJ, EAST CHAMPARAN****Title Suit No. - 59/2004****Sabdul Ansari and others Vs Brajkishor Raut and others**

Date of Order or Proceeding	Order with the Signature of the Court	Office action taken with date
20/04/2026	Both parties are present. The record is put up for order on the petition of the defendant no. 1 dated 17/03/2026 with prayer to recall the order dated 21-12-2022 and rejoinder dated 10-04-2026 is filed on behalf of the plaintiff. The Ld counsel for the defendant has stated that in the present suit, on behalf of defendant no. 1 to 4 i.e. four witnesses have been examined however, defendant no. 1, namely Brajkishor Raut, has not been examined as witness. Further submitted that some other evidence is also to be adduced on behalf of defendant no. 1. Further stated that the evidence of the defendant in the present suit was closed on 21-12-2022. Further submitted that defendant no. 1 is a rustic person and due to lack of knowledge of legal procedures, defendant no. 1 could not tender his evidence. Further stated that the suit is presently at the stage of defendant's argument. Hence, prayed that the order dated 21-12-2022 shall be recalled and the defendant no. 1 be allowed to adduce evidence. The Ld counsel for the plaintiff has stated that defendant no. 01 has filed the aforesaid petition on the basis of false statements, which is liable to be rejected. Further submitted that, on being given sufficient opportunities, defendant no. 01 deliberately failed to adduce evidence, then the evidence of defendant no. 1 was closed on 21-12-2022. Hence, the petition filed by defendant no. 1 is liable to be dismissed. Further submitted that defendant no. 1 has knowingly filed the aforesaid petition with the intention of lingering the case, and in the said suit, defendant no. 01 has not mentioned any sufficient or justified reason. That earlier also, a petition for reopening the evidence of the defendant was allowed, yet the defendant did not adduce any evidence and his evidence was again closed. Hence, under	



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such circumstances, the present petition of defendant no. 1 for recalling the witness is liable to be rejected.

Heard both side and perused the record. Upon perusal, it transpires that presently record is running for defendant's argument, then the instant petition has been filed by the defendant to recall the witness. Further, on perusal it appears that up till now four witnesses have been examined on behalf of the defendant however, defendant no. 1 has not been examined in the case. It appears that the defendants seek reopening of their evidence for examination of defendant no. 1, who is a material party to the suit along with some other evidences. Opportunity to lead evidence should ordinarily be granted where such evidence appears necessary for effective adjudications of the dispute, subject to terms, so that no prejudice is cost to the opposite party. Considering the needs and circumstances of the case and in the interest of justice, the petition of defendant is **ALLOWED** with cost of Rs. 3000 (Three thousand only), payable to the other side. The order dated 21-12-2022, closing the evidence of defendant is hereby recalled. The defendants are granted an opportunity to adduce evidence. Further it is made clear that no further adjournment shall be granted to the defendants to take steps on the next date, the defendants' evidence shall stand closed automatically.

Put up record on 12-05-2026 for defendant's evidence.

Devlou Kumar
20/4/26
Civil Judge Jr. Div.
Areraj, East Champaran.

Date of Order	20-04-2026
Date of Reserving Order	10-04-2026
Uploaded Date	28-04-2026
Uploaded by	Adun Prakash Kumar Mishra

(D.E.O.)