

IN THE COURT OF SUB JUDGE, DHAMDAH. T. Smit (Partition) - 161/09.

26.06.19 Parties have filed their respective pleadings. Defendant has filed a petition on 31.5.19 and has submitted therein that def. 1st party filed a Misc. Civil case no 238/2016 against the order of this court dated 9.3.16 by the evidence of def was closed. Honble He allowed the above case vide order dated 24.11.17 with cost of Rs. 2000, but no order sent by Honble court to this court by which it was directed that adduce evidence within 6 months.

That this court searched the order Misc. Civil. 238/16 got the knowledge of order of Honble High Court dated 24-11-17. This court directed defendant to pay cost of Rs. 2000 within 7 days and also directed to adduce evidence on each date. That the defendant got knowledge of the said order on 18.4.19 and paid cost today and also want to adduce evidence today. So it has been prayed that by allowing this petⁿ grant permission to adduce evidence to defendant.

To the above pet., the plaintiff has filed rejoinder on 12.6.19. Plaintiff has stated that, earlier in this case, the evidence of def. was closed on 9.3.16. Later on defendant approached Honble H.C. and filed civil Misc. 238/16. Honble court vide order dated 24.11.17, set aside the lower court order on the payment of cost of Rs. 2000 and directed

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26.6.19

to adduce all evidence.
But defendant failed to produce
copy of order, neither paid cost
and tried to hide the order of
Honble Court. After passing of One year
and six months plaintiff has brought this
fact, notice of the court.
Since the defendant has not
complied order of Honble Court, neither
followed the direction of this court and
failed to bring evidence, on 31.5.2019
defendant first party has adduce a witness,
Akhilshwar Singh, then this plaintiff has
put oral protest and prayed to reject the
deposition of witness No.4.

Heard both sides and perused
the record. I have found all the
facts stated by either parties as correct.
It is evident that Honble Court passed order
on 24.11.17. allowing ~~plaintiff~~ civil Misc.
238/2016 at the cost of Rs 2000 payable
to plaintiff. Although no original copy of
order received on record till 16.5.19
when I find it through official web
site of Honble Patna High Court. Record
kept pending awaiting order from HC.

Considering all the facts and
circumstances & that I have given further
justice and ~~order~~ on equitable grounds 7
more days to def. 1st party to pay
cost and bring evidence on each date.
Now that the plaintiff has received
amount of cost on 31.5.19, the def 1st
party permitted to adduce self witness
on each date and plaintiff is directed to
cross examine them,

Prabhat Kumar Jais.
Sub Judge