

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-III,
VAISHALI AT HAJIPUR**

Probate Case No. 16 of 2008

29.08.2024

ORDER

Heard the petition filed on behalf of appellant dated 12-06-2024 and its rejoinder dated 24-07-2024. Ld. Counsel for the appellant submitted that during course of trial five witnesses has been examined but on perusal of case record it is transpired that deposition of witness is missing. Hence, he permitted to file the fresh affidavit and accordingly, he pray to retrial the matter. Ld O.P. submitted that according to the C.P.C. there is no any provision to retrial the matter. The best way to reconstruct the file.

After hearing both the parties before deciding the petition. Both parties are directed to file the deposition missed from the record if they have.

Put up on for hearing.

Dictated

Addl. Sessions Judge-III
Vaishali at Hajipur.
29-08-2024