

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 794 of 2019

Narayan Giri Petitioner
 Versus

1. The State of Jharkhand
2. The Deputy Commissioner, Bokaro
3. The Divisional Fisheries Officer, Fisheries Department, Bokaro
4. The Circle Officer, Nawadih, Bokaro Respondents

CORAM: HON'BLE MR. JUSTICE RAJESH SHANKAR

 For the Petitioner : Mr. Sushavan Bhowmik, Advocate
 For the Respondents : Mr. Mithilesh Singh, GA-IV

Order No. 05

Dated: 13.04.2021

The present writ petition is taken up today through Video conferencing.

At the request of the learned counsel for the petitioner, the defect as pointed out by the office is ignored.

The present writ petition has been filed for quashing the order dated 04.01.2019 (Annexure-6 to the writ petition) by which the learned Civil Judge (Sr. Division)-I, Tenughat has dismissed the petition filed on behalf of the plaintiff/petitioner for recalling the witnesses in connection with Title Suit No. 06/2008.

2. Heard the learned counsel for the parties and perused the content of the writ petition including the impugned order dated 04.01.2019. It appears that after adducing the evidence on behalf of the plaintiff, his evidence was closed on 06.10.2015 on the oral request of the counsel for the plaintiff. On the said date, the plaintiff himself was present in the court. Subsequently, after lapse of about 3 years i.e., on 13.09.2018, a petition was filed before the learned court below for recalling few witnesses so as to prove some more documents which, according to the plaintiff, were left out during his evidence. The learned court below vide impugned order dated 04.01.2019 rejected the said petition filed on behalf of the plaintiff primarily on the ground that the concerned suit was of the year 2008 in which the evidence of the plaintiff was closed on 06.10.2015 i.e., about 3 years back on the oral request of the counsel for the plaintiff

himself.

3. I see no infirmity in the impugned order dated 04.01.2019 passed by the learned court below, as the petitioner has not been able to give any justified reason for committing delay of about 3 years in filing the petition for recalling some of the witnesses to prove certain documents particularly when the plaintiff/petitioner was himself present in the court on 06.10.2015 i.e., the day on which plaintiff's evidence was closed by the learned court below on the request of the plaintiff's counsel.

4. The writ petition being devoid of merit is accordingly dismissed.

(Rajesh Shankar, J.)

Manish