
(2013) 04 PAT CK 0075
In the Patna High Court
Case No : CWJC No. 9960 of 2012

Quisar Khan Warsi @ Md. Kaishar Khan	APPELLANT
Vs	
Md. Shamim Ahmad and Another	RESPONDENT

Date of Decision : 08-04-2013

Acts Referred:

Citation : (2013) 3 PLJR 890

Hon'ble Judges : Vikash Jain, J

Bench : Single Bench

Advocate : Bimlendu Mishra and Ms. Poonam Mishra, for the Appellant; Manoj Kumar and Ms. Sweety Sinha, for the Respondent

Judgement

Vikash Jain, J.—Heard learned counsel for the petitioner and learned counsel for the respondents who has appeared suo motu. It is submitted on behalf of the petitioner that owing to extreme ill-health in his advanced age as a result of paralysis attack, the petitioner living at Mumbai could not take proper steps in time for leading evidence in the case going on at Bhagalpur and whereafter his evidence was closed. It is further submitted that serious prejudice will be caused if the impugned order is allowed to stand.

2. Learned counsel for the respondents on the other hand submits that a number of opportunities have been granted to the defendant-petitioner which however, were not availed of. He has opposed the prayer of the petitioner for granting further time.

3. Considering the facts and circumstances of the case and also that the defendant-petitioner is aged and suffering from illness and residing outside Bihar, this Court is of the view that the interest of justice will be served if some further time is granted to the petitioner to adduce his evidence.

4. The impugned orders dated 2.2.2012 and 10.4.2012 are therefore, set aside subject to payment of cost of Rs. 2,000/- (Two thousand) by the defendant-petitioner to the plaintiff-respondents in the learned Trial Court. In that event the

learned Trial Court shall grant three opportunities to the petitioner to lead his evidence and in any case to be completed within a maximum period of four weeks. The writ petition stands disposed of.