

(2011) 03 JH CK 0202
In the Jharkhand High Court

Uday Shankar Gupta and Others

APPELLANT

Vs

Shri Madan Sao and Others

RESPONDENT

Date of Decision : 31-03-2011

Acts Referred:

Citation : (2011) 03 JH CK 0202

Hon'ble Judges : Dhirubhai Naranbhai Patel, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

D.N. Patel, J.—The present writ petition has been preferred against the order passed by the Sub Judge VI, Dhanbad dated 11th January, 2011 in Title Suit No. 12 of 1992, whereby, the stage of taking evidence of the present Petitioners, who are original Plaintiffs, has been closed down.

2. Having heard learned Counsel for the Petitioners and looking to the facts and circumstances of the case, I see no reason to entertain this writ petition mainly for the reason that the suit being Title Suit No. 12 of 1992 has been instituted by the present Petitioners and even after eighteen years also, the present Petitioners (original Plaintiffs) are thinking that the stage of taking evidence ought not to have been closed by the trial court. It appears from the facts of the case that enough and adequate opportunities have been given to adduce the evidence. More than one dozen dates have been mentioned in the impugned order. In view of these facts, no error has been committed by the trial court by closing down the stage of taking evidence by the original Plaintiffs. It cannot be expected from the trial court that even in the suits of 1992, the stage of taking evidence cannot be closed down in the year 2011. It appears that the Petitioners (original Plaintiffs) are not interested in further proceeding of their own suit.

3. In view of the aforesaid facts, I see no reason to entertain this writ petition. There is no substance in this writ petition and, hence, the same is, hereby, dismissed.