

IN THE HIGH COURT OF JUDICATURE AT PATNA  
MJC No.3632 of 2008  
NIVA SINHA  
Versus  
SUNIL KUMAR  
-----

02/ 23.12.2008 M.J.C. No. 3632 of 2008 has been filed on behalf of the defendant-opposite party for modification of order of this Court dated 16.10.2008 passed in Civil Revision No. 1535 of 2005, by which one month time was granted to the learned court below to decide the maintenance case bearing Maintenance Case No. 94 (M) of 2004 pending before the learned Additional Family Court, Patna.

Learned counsel for the defendant-opposite party submits that the plaintiff had started deposition of her witness from 16.11.2005, which continued up to 19.11.2008 i.e. much beyond the period granted by this Court. She further submits that thereafter the defendant was permitted to produce his witnesses and within sixteen working days he produced 13 witnesses and there are still some more witnesses to be examined on his behalf, but the learned court below, in view of the specific order of this Court dated 16.11.2008, has closed his evidence by order dated 18.12.008.

Considering the facts and circumstances as well as the averments made by learned counsel for the parties, it is hereby directed that the defendant must conclude his evidence by 13.02.2009, whereafter the learned court below will hear day to day arguments on behalf of the parties without giving any adjournment to them so that maintenance case is decided by the end of February, 2009. The defendant must submit list of his additional witnesses in the court

below by tomorrow i.e. 24.12.2008.

With the aforesaid modification in order dated 16.10.2008 passed in Civil Revision No. 1535 of 2005, the instant M.J.C. Case No. 3632 of 2008 is disposed of.

If the cost of fax is deposited on behalf of the defendant-opposite party of the civil revision by tomorrow, let this order be sent to the learned court below through fax.

**MPS/**

**( S. N. Hussain, J. )**

