

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10826 of 2014

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Smt. Shailbala Sinha @ Shailbala w/o Late Indradeo Prasad Sinha resident
of Mohalla - Gosaitola, P.O. Sadakat Ashram, Police Station - Patliputra,
District – Patna.

.... Petitioner/s

Versus

Rangnath Sharma son of Late Shatrudhan Sharma resident of village -
Chesi, Police Station - Naubatpur, District - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Waliur Rahman

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

6 10-09-2015

Heard the learned counsel for the parties.

Earlier the notice was issued to the respondent who
has appeared and is represented by his counsel.

The present application under Article 227 of the
Constitution of India has been filed questioning the legal
sustainability of the order dated 05.12.2013 passed by the learned
court below allowing the prayer on behalf of the appellant under
Order 41 Rule 27 C.P.C. and accepting some documents on record
by way of additional evidence.

The principle governing the acceptance of additional
evidence under Order 41 Rule 27 C.P.C. has been considered by
the Apex Court in the case of **Union of India vs. Ibrahim Uddin,**
2012 (8) SCC 148 where it has been ruled that the stage at which

a document can be received by way of additional evidence can be only when the court is likely to consider all evidence on record and after considering the same, the court comes to the conclusion regarding the relevancy and importance of the document sought to be adduced by way of additional evidence.

The learned counsel for the sole respondent has fairly submitted that in view of the law laid down by the Apex Court as above, this writ application be disposed of with direction to the learned appellate court below to proceed in accordance with law.

After considering the submissions and the stand taken by the learned counsel for the parties, the learned court below is directed to reconsider the prayer of the appellant for adducing additional evidence under Order 41 Rule 27 C.P.C. and pass appropriate order in view of the law laid down in Ibrahim Uddin's case (supra).

The writ application is, accordingly, allowed with aforesaid direction and the impugned order dated 05.12.2013 is quashed.

(V. Nath, J)

Devendra/-

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