

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11604 of 2014

=====

Ram Binod Acharya son of Radha Kant Acharya resident of Village and
P.O. - Afjala - Benk, P.S. - Biraul, District - Darbhanga.

.... Petitioner/s

Versus

1. Lalan Kumar Singh son of Shri Ram Jivan Singh
2. Manish Kumar Singh minor, son of Lalan Kumar Singh, under the
guardinship of his father Shri Lalan Kumar Singh
3. Rajnish Kumar Singh minor, son of Lalan Kumar Singh, under the
guardinship of his father Shri Lalan Kumar Singh
4. Smt. Prabha Devi wife of Shri Lalan Kumar Singh All resident of
Village - Bagrashi, P.O. AND P.S. - Jamalpur, District - Darbhanga.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ganesh Chandra Thakur, Adv.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 14-09-2015 Heard Mr. Thakur, the learned counsel appearing on

behalf of the petitioner. The learned counsel for the respondents is

present.

Calling in question the impugned order by which the
petition dated 23.04.2014 filed by the defendant in the suit for
eviction praying for marking some documents as exhibit in the suit
has been rejected, the present application under Article 227 of the
Constitution of India has been filed.

It is not in dispute that the eviction suit was filed

against the defendant-petitioner seeking his eviction on the ground of personal necessity in the year 1999. The petitioner claims to have produced the document in the year 2002. However, when the argument in the suit was going on, the petitioner filed the petition praying for marking the documents as exhibits. The learned court below, after considering the relevancy of those documents to the issues arising in the suit, has come to the conclusion that those documents are not relevant for the purpose of determination of the issues. It has also been further held that no good cause has been shown on behalf of the defendant-petitioner for not making this prayer earlier.

After considering the submissions and the facts and circumstances of the case, this Court is not inclined to interfere with the impugned order.

The writ application is accordingly, dismissed. However, the petitioner shall be at liberty to raise objection to the impugned order according to the provision as contained in Section 105 (1) C.P.C.

(V. Nath, J)

Devendra/-

U			
---	--	--	--