

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6820 of 2011

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Madan Kumar, son of Sri Ramdeo Das, Resident of Village Titai Bigha, P.O.- Pawai Riyasat, P.S.- Aurangabad(M), District- Aurangabad.

.... Petitioner/s

Versus

1. Dodhi Ram @ Nageshwar Ram, son of Late Nami Ram
2. Ramdeo Das, son of Late Nami Ram
3. Surajdeo Ram, son of Sri Dodhi Ram @ Nageshwar Ram
4. Satyadeo Prasad, s/o- Sri Dodhi Paswan @ Nageshwar Ram
5. Lalan Ram, son of Sri Ramdeo Das
6. Raj Kumar Das, son of Sri Ramdeo Das

All are the residence of village Titai Bigha, P.O.- Pawai Riyasat, P.S.- Aurangabad(M), District- Aurangabad,

At present residing in Calcutta 21/Tiljala Road, Calcutta-39

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. LAL BAHADUR SINGH

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 28-08-2015

Heard the Counsel for the petitioner.

Plaintiff of Partition Suit No. 17 of 1998/163 of 2010 have filed the present application aggrieved by the order dated 12.1.2011 passed by the Sub-Judge-VI, Aurangabad rejecting the petition dated 25.8.2009 filed by the plaintiff for exhibition of documents.

The Trial Court while rejecting the said application found that the evidence of both parties was closed on 21.8.2001 and the case was pending for final judgment which was delayed owing to the death of one of the parties to the suit. After much delay, in the year 2009, such application was filed which was not fit to be allowed in the ends of justice. The discretion exercised by the Court for the reasons disclosed

therein, in my view, do not suffer from any perversity meriting interference of the Court under writ jurisdiction.

The writ application is dismissed.

(Kishore Kumar Mandal, J)

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