

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10472 of 2015

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Nand Kumar Singh

.... Petitioner/s

Versus

Chandradip Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar Sinha

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

3 16-12-2015 Heard the learned senior counsel, Mr. Rajendra Narain, on behalf of the petitioner.

At the time of hearing of I.A. No.9437 of 2015, the learned senior counsel submitted that the writ application itself may be heard on merit in admission matter. Accordingly, I heard him on merit.

By the impugned order dated 25.02.2015, the Court below allowed the application filed by the plaintiff respondent to mark certified copy of exhibit filed in Title Suit No.90 of 1992 as an exhibit in this present case.

The learned senior counsel submitted that the vendor of the plaintiff has died in the year 2009 and the suit has been filed in the year 2000 but the plaintiff did not file the same prior to death of his vendor and moreover with the plaint, no list of document was filed by the plaintiff respondent.

Perused the order passed by the Court below. It appears that the Court below found that the list of the properties was the private document and was in custody of the vendor of the plaintiff. The vendor of the plaintiff had filed the said document in title suit No.90 of 1992 whereby it was marked exhibit. The plaintiff respondent herein had obtained certified copy thereof and it was filed in this case. Subsequently, to prove the said certified copy in this case, the record of title suit No.90 of 1992 was called for from the Court concerned. It was found that the vendor of the plaintiff had taken back the exhibit from the record and in fact the vendor of the plaintiff had died in the year 2009, therefore, considering this aspect of the matter, the learned Court below held that this document is relevant document and, therefore, allowed to mark certified copy of the same as exhibit in the present case.

In view of the above reasonings assigned by the Court below, I do not find any reason to interfere with the impugned order in exercise of supervisory jurisdiction under Article 227 of the Constitution of India as the order neither prejudiced the petitioner nor it occasioned any failure of justice. Thus, this writ application is dismissed.

Sanjeev/-

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(Mungeshwar Sahoo, J)