

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.772 of 2016**

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Managing Committee Of Mahboob Ali Waqf Estate No. 1607

.... .... Appellant/s

Versus

The State of Bihar & Ors

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Md. Shamimul Hoda

For the Respondent/s : Mr. Chitranjan Sinha(Paag2)

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

3 24-10-2016

Heard the learned counsel for the petitioner and perused

the impugned order dated 13.05.2016 passed by Sub Judge I, Muzaffarpur in Title Suit No.313 of 1999 whereby the learned Court below refused to call for the record of Register II.

From perusal of the impugned order, it appears that the certified copy of the Register II has been filed by the plaintiff-respondents. The defendant No.6-petitioner filed application for calling for the record of Register II from the office of Circle Officer, Mushahri, Muzaffarpur but the said application was rejected on the ground that Register II is not final now and certified copy cannot be granted.

The learned counsel for the petitioner submitted that when certified copy would not be granted then how the plaintiff-respondents produced the certified copy of Register II, therefore, it is necessary for verification at this stage and if it is not verified, it will occasion failure of justice and will cause prejudice to the

petitioner.

From perusal of the impugned order, it appears that Court below has recorded clear finding that certified copy of the Register II has already been filed by the plaintiff. The objection of the petitioner is that when the defendant applied for certified copy it was rejected on the ground that no certified copy can be granted and if the court will pass order the record may be sent.

In such view of the matter, when the certified copy is available in the court, the objection, which is being raised by the petitioner that how the certified copy was obtained by the plaintiff, is a matter that can be decided at the time of hearing of the suit. The petitioner has already brought on record the application filed before the Circle Officer and the order rejecting the application filed by the petitioner refusing to grant certified copy of the Register II. Therefore, the court will be able to decide this dispute between the parties at the time of hearing of the suit itself. The order passed by the court below is reasoned order. It is not irrational or it cannot be said that the order passed by the Court below is contrary to any law.

Thus, I find no jurisdictional error in the impugned order, therefore, this Civil Miscellaneous application is dismissed.

Saurabh/-

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**(Mungeshwar Sahoo, J)**