

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1504 of 2016

=====

Chaitu Chamar (Ram)

.... Appellant/s

Versus

Narendra Thakur & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Shambhu Sharan Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 22-12-2016

Heard learned counsel for the petitioner.

Perused the impugned order dated 09.08.2016 passed by Additional District Judge-VI, Samastipur in Title Appeal No.42 of 2013 whereby the learned court below rejected the application filed by the defendant-appellant-petitioner under Order 41 Rule 27 CPC.

From perusal of the impugned order, it appears that the court below considered the case made by the petitioner before the lower appellate court. The court below also considered the provision of law and then recorded clear finding that the notice which is sought to be produced as additional evidence in the suit is not relevant document for passing satisfactory judgment. The document sought to be adduced as additional evidence is only a notice issued by the authority dealing with the commutation proceeding. The plaintiff has filed the suit for declaration of title.



Therefore, the court below has rightly held that for declaration of title a notice issued by the authority dealing with commutation proceeding is not relevant at all.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

U			
---	--	--	--

