

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1278 of 2016**

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Dev Narayan Yadav

.... Appellant/s

Versus

Pravin Yadav & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Suresh Kumar

For the Respondent/s : Mr.

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

2 07-12-2016 Heard the learned counsel for the petitioner and the
learned counsel for the respondents.

Perused the impugned order dated 03.09.2016 passed by
Sub Judge I, Biraul, Darbhanga in Title Suit No.21 of 2004
whereby the learned Court below rejected the application filed by
the petitioner praying for marking a document as an exhibit.

Admittedly, the evidences of both the parties have
already been concluded. The plaintiff had filed the suit for
declaration of title and for non-title of the defendant. Both the
parties have already adduced and closed their evidences. The suit
is at the argument stage. At this stage, application was filed by the
plaintiff-petitioner for marking the document as exhibit only to
show that the respondent had knowledge about the injunction
order dated 25.07.2008 passed in Misc. Appeal No.19 of 2006.

It may be mentioned here that this is not a proceeding



under Order 39 Rule 2A C.P.C.. The question to be decided in the suit is whether the plaintiff has been able to prove his title and non-title of the defendant and for deciding this question, the document sought to be exhibited is not necessary at all because the document is not relevant for determination of the real controversy between the parties. In my opinion, therefore, no case for interference in exercise of supervisory jurisdiction is made out.

Thus, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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