

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5046 of 2014

Janardan Singh

.... Petitioner/s

Versus

Chinta Devi & Anr

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Anil Chandra

For the Respondent/s : Mr. Anil Chandra

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 22-01-2016 Heard the learned counsel, Mr. Anil Chandra for the
petitioner.

By the impugned order dated 20.12.2013, the learned
Sub Judge I, Sheikhpura rejected the application filed by the
plaintiff-petitioner in Title Suit No.19 of 2010.

It appears that the plaintiff-petitioner filed aforesaid title
suit for declaration of title. He also filed photocopy of the
agreement dated 09.06.2008 alleged to have been executed
between plaintiff and defendant No.2. Thereafter application was
filed by the plaintiff before the Court below praying therein to
direct the defendant No.2 to produce the original agreement on the
ground that defendant No.2 has prepared the agreement and the
original is with him. A rejoinder was filed by the defendant No.2
denying all the allegations to the effect that he is neither prepared
the same nor he possessed the same. The Court below by the

impugned order has rejected the application filed by the plaintiff with aforesaid prayer.

The plaintiff has filed the present suit for declaration of title and, therefore, he has to prove his title with respect to the suit property. For that purpose, he cannot take assistance from the defendant particularly when the defendant is denying to have executed any such agreement and also denying to be in possession of the said agreement. In such circumstances, the Court cannot insist the defendant to produce the document which is not in his possession as alleged by the defendant No.2.

I view of the above facts and circumstances of the case, the impugned order needs no interference in exercise of supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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