

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3454 of 2015

=====

Munna Tanti

.... Petitioner/s

Versus

Ganga Tanti

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Sinha

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 11-01-2016

Heard the learned counsel, Mr. Ajay Kumar Sinha for the petitioner on I.A. No.8253 of 2015 which has been filed for stay of further proceeding in the Court below. At the time of hearing of this I.A., the learned counsel for the petitioner submitted that this writ application may be heard on merit in admission matter. Accordingly, I heard him on merit also.

It appears that the Court below by the impugned order dated 12.12.2014 passed by learned Munsif II, Gaya in Title Suit No.43 of 2010 allowed the application filed by the defendant-respondent for marking the documents as exhibit in the case.

The only grievance of the petitioner is that the case has already been closed and thereafter the documents have been produced which has been marked as exhibit by the Court below.

It may be mentioned here that there is no absolute bar in allowing one party to produce evidence even after arguments have

been concluded what to speak of evidence has been closed.

The Hon'ble Supreme Court in the case of **K.K. Velusamy vs. N. Palanisamy, (2011) 11 Supreme Court Cases 275** has held that court in appropriate cases can exercise its discretion to permit reopening of evidence and/or recalling of witnesses for further examination/cross-examination after evidence led by the parties is concluded and arguments have commenced or even when arguments have been concluded and case has been reserved for judgment as there is no provision in this regard in C.P.C. after deletion of Order 18 Rule 17A C.P.C.

In view of the above settled proposition of law when the Court below has exercised its discretionary jurisdiction under Section 151 C.P.C., it cannot be said that the Court has acted in the manner not permitted by law so as to interfere in supervisory jurisdiction under Article 227 of the Constitution of India.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

U		T	
---	--	---	--