

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13328 of 2013

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Gokhul Prasad Son Of Late Durga Prasad Resident Of Village - Pithouri, P.S. - Akhabarpur, District - Nawada

.... Petitioner/s

Versus

1. Mohan Lal Son Of Durga Prasad
2. Smt. Rukmini Devi Wife Of Monan Lal
3. Bishun Lal
4. Dwarika Prasad both Sons Of Durga Prasad all Resident Of Village - Pithouri, P.S. - Akhabarpur, District - Nawada
5. Smt. Uma Devi Wife Of Kapildeo Prajapat And Daughter Of Durga Prasad Resident Of Village - Charia, P.S. - Wazirganj, District - Gaya
6. Smt. Tara Devi Wife Of Suresh Prasad And Daughter Of Durga Prasad Resident Of Village Kuhila, P.S. - Akhbarpur, District - Nawada
7. Hari Lal Son Of Kesho Ram
8. Ram Prasad Son Of Kesho Ram
9. Ashok Kumar Son Of Dasrath Prasad
10. Ramchandra Prasad Son Of Late Ragho Ram
11. Md. Khalid Son Of Sraj Khan all Resident Of Pithauri, P.S. - Akhbarpur, District - Nawada
12. Kripa Shanker Singh Son Of Tej Bahadur Singh Resident Of Mohalla - Vidya Nagar, Harmu, P.S. - Sukhdeo Nagar, District - Ranchi
13. Kanhaiya Singh Son Of Balram Singh
14. Vijay Kumar Singh Son Of Kamla Singh both Resident Of Mohalla - Garikhana, P.S. - Kotwali, Ranchi, District - Ranchi
15. Sanjay Kumar
16. Sunil Kumar
17. Rajesh Kumar
18. Pradeep Kumar all Sons Of Brij Nandan Prasad
19. Urmila Devi
20. Indu Devi
21. Guria Devi all Daughter Of Brij Nandan Prasad Resident Of Pithauri, P.S. - Akhbarpur, District - Nawada

22. Gangia Devi Wife Of Brij Nandan Prasad all Resident Of Pithauri, P.S. -
Akhbarpur, District – Nawada.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. RAJESH KUMAR SINHA

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 17-11-2016

Heard learned counsel for the petitioner.

The plaintiff in the court below after dismissal of the suit for partition is the petitioner in this application and is assailing the order passed by the learned court below on the petition filed by respondent no. 4 in the appeal for adducing a document by way of additional evidence.

There is no explanation either in the present application or in the learned court below as to why did not file or join the petition in the court below itself. It also does not appear that the prayer was made on behalf of the plaintiff in the court below after the petition filed by the respondent no. 4 Dwarika Prasad, to take the said document by way of additional evidence. This aspect becomes material in view of the assertion by the respondent no. 4 that the said document to be adduced by way of additional evidence was handed over to the respondent no. 4 by Hari Lal who is respondent no. 7 in the appellate court below. It is also apparent that the said

respondent no. 7 Hari Lal has denied to have made respondent no. 4 at any point of time or to have handed over the said document. The said respondent no. 7 Hari Lal has also denied his signature over the said document.

The learned court below, after considering the facts and circumstances, has turned down the prayer on behalf of the respondents in the court for adducing the said document in evidence as mentioned. The respondent no. 4 has not come to challenge the said order before this Court. Even otherwise also, this Court does not find any illegality or material irregularity in the impugned order justifying its interdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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