

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5835 of 2015

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Dinesh Prasad

.... Petitioner/s

Versus

Ramawatar Singh & Ors.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 31-03-2016 Heard learned counsel Mr. Anil Kumar Singh for the
petitioner.

By the order dated 18.02.2015 learned Additional District Judge-VI, Nalanda at Biharsharif rejected the application under Order 41 Rule 27 of the Code of Civil Procedure filed by the defendant-petitioner in Title Appeal No.13 of 2009 seeking permission to adduce his additional evidence.

The Hon'ble Supreme Court in the case of **Union of India Vs. Ibrahim Uddin & Anr., reported in 2013 (1) P.L.J.R. 48 SC** has held that the appellate court may permit additional evidence only and only if the conditions laid down under Order 41 Rule 27 CPC are found to exist. The parties are not entitled as of right to the admission of such evidence. Thus, provision does not apply when on the basis of evidence on record the appellate court can pronounce a satisfactory judgment.

From perusal of the impugned order, it appears that the court below found that none of the provision as contained in Order 41 Rule 27 of the Code of Civil Procedure applies in this case. In such view of the matter I find no reason to interfere with the impugned order.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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