

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6044 of 2016

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Fuleshwar Roy

.... Petitioner/s

Versus

Bindeshwari Yadav & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Harshwardhan Sahay

For the Respondent/s : Mr. Ajit Pratap Singh- Sc15

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 16-05-2016 The substitution application being I.A. No.4066 of 2016 is allowed. The legal representatives of the petitioner are substituted.

Heard learned counsel Mr. Harshwardhan Sahay for the petitioner and learned counsel Mr. Amresh Kumar, A.C. to S.C.15.

By the impugned order dated 04.03.2016 the learned District Judge, Munger in M.T.A. No.16 of 2011 rejected the application under Order 41 Rule 27 of the Code of Civil Procedure filed by the petitioner recording a finding that the document sought to be adduced as additional evidence in the appeal is not required for pronouncing the judgment satisfactorily.

The grievance of the petitioner is that during trial defendant filed Ext.D (the auction sale certificate) on the basis of which he is claiming title. During trial, nothing was filed by the

plaintiff-petitioner and to disprove the Ext.D to the effect that there was no auction sale certificate in the year 1942 the plaintiff wanted to file the document as additional evidence.

In view of the above position this evidence which the plaintiff wants to adduce as additional evidence is only to controvert the documentary evidences already produced by the defendant. In such view of the matter, the court below has rightly held that the document is not necessary for the Court to pronounce the judgment satisfactorily. I, therefore, find no reason to interfere with the impugned order.

Accordingly, this writ application is dismissed.

Harish/-

(Mungeshwar Sahoo, J)

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