

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14102 of 2014

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Aziz Mian son of late Piru Mian, resident of village Damwalia P.S. Bagaha District
West Champaran.

.... Petitioner/s

Versus

Kaushal Kishore Singh son of late Dhrub Narain Singh, resident of village baridori
Ausani, P.S. Laukaria, District West Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prithvi Nath Mishra, ADV

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 06-10-2016

Heard learned counsel for the petitioner.

By the impugned order the learned court below has refused the prayer of the appellant-petitioner for marking some documents as exhibit after taking the same as evidence. The fact is not in dispute that during the pendency of the suit the petitioner filed those documents and also filed a petition for marking those documents as exhibits in the suit. However, later on the petitioner withdrew the said petition leading to the consequence that those documents were not marked as exhibit in the suit. After dismissal of the suit, the petitioner has filed the appeal in the year 2010 and after a lapse of nearly four years filed the present petition for marking the said documents as exhibit in the suit.

The learned court below has found in the impugned order that the suit was filed for grant of injunction alone. It has been further found that the appellant-petitioner had the knowledge of the said document in the year 2009 itself when he filed the petition for getting those documents marked as exhibit and later on withdrew the said petition. The learned court below has also found that the documents proposed to be taken in evidence by the appellant-petitioner were not necessary for doing justice between the parties. This Court has not been persuaded to find any illegality or material irregularity in the impugned order requiring interference by invoking the jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
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