

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Writ Jurisdiction Case No.14546 of 2014**

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1. Pawan Kumar Singh S/o Sri Awadhesh Kumar Singh Resident of Village Chandwa, P.S. Falka, District Katihar.

.... .... Petitioner/s

Versus

1. Shri Awadhesh Kumar Singh @ Bhola Singh S/o Late Motilal Singh Resident of Village Chandwa, P.S. Falka, District Katihar.

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Mukesh Kumar Jha, Adv  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE V. NATH**  
**ORAL JUDGMENT**  
**Date: 19-10-2016**

Heard learned counsel for the petitioner.

By the impugned order the learned court below has allowed the prayer on behalf of the defendant-petitioner for marking the certified copy of the sale deed as exhibit.

Learned counsel for the petitioner has submitted that there was no averment on behalf of the defendant-respondent that the original has been misplaced and therefore, the certified copy is being filed and earlier also the similar prayer of the defendant-petitioner has been rejected.

After considering the submissions and the perusal of



the impugned order, this Court finds that by the impugned order the learned court below has only taken into evidence the certified copy of the sale deeds relying upon the decision of this Court in the case of ***Kumod Kumar & Ors. Vs. Bihar Staff Selection Commission & Ors. 2013(4) PLJR 693.*** The suit is still pending and the defendant-petitioner shall have the liberty to raise his plea in accordance with law. This Court, therefore, is not inclined to interdict the impugned order invoking its jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

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