

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11552 of 2014

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1. Jai Narayan Singh
 2. Binod Singh @ Binod Kr. Singh
 3. Budhan Singh @ Budhan Kumar Singh
 4. Shiv Narayan Singh All Nos. 1 to 4 are sons of Late Resham lal Singh
 5. Jahri Devi widow of Late Resham Lal Singh All Nos. 1 to 5 are residents of village Khajurabari, P.S. Kursakanta, District- Araria

.... Petitioner/s

Versus

1. Surat Lal Singh
2. Ram Briksh Singh
3. Sudama singh, All Nos. 1 to 3 are sons of Late Nathu Singh. All are residents of village Khajurabari, P.S. Kursakanta, District- Araria
4. Ram Rati Devi D/o Late Nathu Singh, W/O Narayan Singh, resident of village Khajurabari, P.S. Kursakanta, District- Araria
5. Manoj Singh
6. Sanoj Singh
7. Bholenath Singh (Minor) Respondent No. 5 to 7 are sons of Late Leela Devi and Lalu Singh
8. Lalu Singh, sonof Late Choudhary Singh.
9. Shatrughan Singh, son of Lalu Singh and late Leela Devi (minor)
10. Kabita Kumari, D/O Lalu Singh (minor) Respondents No.7, 9 AND 10 minors represented through their father Lalu Singh (Respondent No. 8), the defendants No. 7,9 and 10, next friend and natural guardina of minor Respondent No. 7, 9 AND 10. All Respondents No. 5 to 10 are residents of village- Khajurabari, P.S. Kursakanta, District- Araria
11. Prabho Devi, w/o Upendra Singh, D/O Mahabir Singh, resident of village Khajurabari, P.S. Kursakanta, District- Araria
12. Chandra singh, W/o Mukh Ram Singh, D/O Sugdev Singh, resident of village Sinwari, P.S. Sonamani Godam, District- Araria
13. Phulo Devi, w/o Balram Singh, D/O Harihar Singh, resident of village Pairwa Khor, P.S. Tarabari, District- Araria
14. Bhikhni Devi w/o Chhote Lal Singh, D/O Nanku Singh, resident of village

Megaachhiya, P.S. Tarabari, District- Araria. Address of Respondent No. 11 to 14 are Respondent No. 11 is resident of village- Khajurbari, P.S. Kursakanta, District- Araria. Respondent No. 12 is the resident of village Singhwari, P.S. Sonamani Godam, District- Araria. Respondent No. 13 is resident of village Pairwakhuri, P.S. Tarabari, District- Araria, Respondent No. 14 is resident of village Tegachhia, P.S. Tarabari, District- Araria

15. Amirka Devi, D/O Late Resham Lal Singh, W/o Ramdeo Singh, resident of village Kabaspur, P.S. Simraha, District- Araria

16. Girja Devi, D/O Late Resham Lal Singh, w/o Binod Singh, resident of village Bhimpur, P.S. Chhatapur, District- Supaul

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sharma, Adv.

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 08-08-2016

Heard learned counsel for the petitioners.

The present application has been filed praying for quashing the impugned order by which the learned court below has rejected the petition dated 12.08.2013 filed by the plaintiff-petitioners seeking to adduce some documents in evidence.

From the materials on record, it transpires that the plaintiff-petitioners earlier approached this Court by filing C.W.J.C. 1401 of 2011 and by order dated 10.08.2011 (Annexure-2) the said application was disposed of by this Court granting seven days time to the plaintiff-petitioners to file all such documents which they wanted to exhibit. The further direction was also given to them to prove the



exhibited documents on the next dated fixed. The trial court had been directed by this Court to deliver its judgment shortly thereafter. It transpires from the impugned order that the plaintiff-petitioners filed a petition on 15.09.2011 seeking to adduce in evidence the copies of the certain documents which prayer was refused by the trial court. Again by filing another petition dated 12.08.2013, the plaintiff-petitioners sought to adduce the copies of some documents. By the impugned order, the trial court has rejected the prayer of the plaintiff-petitioners after taking elaborate notice of the direction of this Court as well as the conduct of the plaintiff-petitioners.

After considering the submissions and the materials on record, this Court finds that the plaintiff-petitioners has clearly intended to linger the disposal of the suit in spite of the direction of this Court as earlier passed on 10.08.2011. Once after this Court granted seven days time to the plaintiff-petitioners to exhibit all such documents which they wanted, there was no occasion for the plaintiff-petitioners to file petitions causing the delay in disposal of the suit. The learned court below has also taken into notice the several opportunities availed by the plaintiff-petitioners in the light of the earlier order of this Court. This Court, therefore, is not inclined to interfere in the matter but directs the learned court below not to grant unnecessary adjournments which may be made for the purpose of

delaying the proceedings of the suit. The learned court below further is directed to take all steps for disposal of the suit as earlier directed.

The present application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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