

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10507 of 2014

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Sri Krishna Ballabh Singh Son of Late Ramjee Singh, Secretary, Tilak Nagar Grih Nirman Samiti, Ltd., At Tilak Nagar Police Station and District Begusarai, at present residing at Panhas, Police Station- Begusarai, District- Begusarai.

.... Petitioner/s

Versus

Rajendra Singh S/o Jang Bahadur Singh Resident of Village- Saunho, Police Station- Malihari, Nayagaon (Samho), District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajneesh, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 04-07-2016

Heard Mr. Rajeev Kumar Verma, learned senior counsel
for the petitioner.

Assailing the legal sustainability of the impugned order
by which the learned court below has turned down the prayer of the
plaintiff-petitioner to adduce certain documents in evidence, the
present application under Article 227 of the Constitution of India has
been filed.

It has been submitted by the learned senior counsel that
the documents were filed by the plaintiff in the 2009 in the suit itself
but due to inadvertence the same could not be marked as exhibits.
Emphasizing the necessity of those documents for effective
determination of the issues arising in the suit, Mr. Verma, has
submitted that the learned court below should have acted liberally and
allowed the documents which are the basis of the title of the plaintiff

marked as exhibit in the suit.

After considering the submissions and perusal of the impugned order, it transpires that the learned court below has taken into notice the previous order passed by this Court on 11.02.2013 in C.W.J.C. No. 11716 of 2001 whereby this Court had allowed the last opportunity to the plaintiff to examine himself in the suit and also to adduce the sale deed in evidence. It also transpires that the evidence of the plaintiff-petitioner was thereafter closed on 12.04.2013 and his argument was closed on 13.06.2013. During the course of submission or from the averments made in this application, it does not appear any explanation in this regard has been furnished by the petitioner as to why no step was taken earlier and the prayer for adducing documents in evidence was made only on 26.08.2013.

In view of the directions of this Court as above, it does not appear that the learned court below has acted with material irregularity or has committed error of jurisdiction in passing the impugned order.

The present application is, accordingly, dismissed. However, the petitioner shall be at liberty, if the circumstances so arise, to avail the opportunity as envisaged under Section 105 (1) C.P.C.

Devendra/-

(V. Nath, J)

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	