

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7938 of 2014

=====

Suresh Sah

.... Petitioner/s

Versus

Satya Narayan Chaurasia & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Najmul Hoda

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 23-02-2016

Heard the learned counsel, Mr. Najmul Hoda for the petitioner and the learned counsel, Mr. Laxmi Kanti Tiwari for the respondents.

By the impugned order dated 24.03.2014, the Court below has allowed the application filed by the plaintiffs-respondents to file some document in the suit for marking the same as exhibit.

The only grievance of the petitioner is that plaintiff has already examined 7 witnesses and thereafter, the application was filed at belated stage, therefore, the Court below should not have accepted the same and that the plaintiff did not specify the nature of the documents.

The Hon'ble Supreme Court in the case of **K.K. Velusamy vs. N. Palanisamy, (2011) 11 Supreme Court Cases 275** has held that court in appropriate cases can exercise its

discretion to permit reopening of evidence, recall of witnesses for further examination/cross-examination after evidence led by the parties is concluded and arguments have commenced or even when arguments have concluded and the cases have been reserved for judgment.

In the present case, admittedly, the evidence of the plaintiff is going on and the Court below in exercise of inherent jurisdiction allowed the plaintiffs to file the documents.

So far the relevancy or otherwise of the documents, that may be filed, can be decided finally at the time of hearing of the application but when the Court below has exercised his inherent jurisdiction in the interest of justice, the Court for the purpose of supervisory jurisdiction cannot say that the court should not exercise the inherent jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

U		T	
---	--	---	--