

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13040 of 2014

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1. Baliram Singh S/o Late Kesho Singh
2. Anjani Kumar Sandilya S/o Baliram Singh
3. Shailesh Kumar S/o Bachchu Singh All Resident of Village Karianna, P.O.
Ghostawan, P.S. Silao, District Nalanda.

.... Petitioner/s

Versus

1. Shyam Sundar Singh S/o Late Bhelu Singh
2. Upendra Singh S/o Prabhu Singh
3. Umesh Kumar Singh S/o Kameshwar Singh All Resident of Village Karianna,
P.O. Ghostawan, P.S. Silao, District Nalanda.
4. Md. Jaffar Alam S/o Md. Moiz Alam Resident of Village Karianna, P.O.
Ghostawan, P.S. Silao, District Nalanda.
5. Md. Khurshid Alam S/o Md. Moiz Alam Resident of Village Karianna, P.O.
Ghostawan, P.S. Silao, District Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Surendra Kumar, Adv

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 15-09-2016

Heard Mr. Surendra Kumar, learned counsel for the
petitioners.

The legal sustainability of the impugned order by the
court below refusing to allow the prayer of the defendant for
adducing three certified copies of three sale deeds in evidence, the

present application under Article 227 of the Constitution of India has been filed.

From the ordersheet, it is evident that the evidence of the plaintiff was closed on 22.03.2010 and the evidence of the defendant was closed on 16.04.2013. Thereafter the defendant filed a petition for recall of the order closing his evidence but the same was also dismissed by order dated 02.12.2013. It does not appear from the submissions or from the records that this order has ever been challenged by the petitioners. However the petitioners thereafter filed a petition on 27.01.2014 with prayer to permit the petitioners to adduce three certified copies of three sale deeds in evidence.

During the course of submission also it has not been controverted that the document to be adduced in evidence are only the three certified copies of the three sale deeds. It also does not appear from the record that any prayer has been made on behalf of the petitioners before the court for adducing those three certified copies by way of secondary evidence in accordance with Section 65 of the Evidence Act. The learned counsel for the petitioners has submitted that though the certified copies of the three sale deeds have already been filed in the suit on behalf of the petitioners in the year 2011 much before the closure of the evidence which was done

on 16.04.2013. Again, however, there is no explanation as to why those documents could not be exhibited when the evidence on behalf of the defendant was going on. In this background, this Court is not inclined to interdict the impugned order.

The application is, accordingly, dismissed.

However, the petitioners shall be at liberty to raise the objection in accordance with Section 105 of C.P.C, if such occasion arises.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA.
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