

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.786 of 2016

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Sultan Mian

.... Appellant/s

Versus

Ravindra Choubey & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kishore Thakur

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 30-09-2016 Heard the learned counsel, Mr. Surendra Kishore Thakur,
for the petitioner.

Perused the impugned order dated 20.05.2016 passed by the
Addl. District Judge II, Bettiah in Title Appeal No.10 of 2012
whereby the learned Court below has rejected the application filed
by the petitioner for recalling the Nishani Register from the
Registry office.

According to the learned counsel for the petitioner,
the defendants are claiming title on the basis of the registered sale
deeds of the year 1948 and during trial, application was filed by
the petitioner for calling the Nishani register to show that in fact
the sale deeds of the year 1948 was not in existence and it is
forged document. The Court below instead of calling the said
Nishani register directed the petitioner to file certified copy of the
registered sale. It was not filed. In the appellate Court, the

plaintiff petitioner, therefore, filed application for calling the same as the petitioner is unable to obtain certified copy.

Admittedly, the plaintiff has filed the suit for injunction only. There is no prayer for declaration of title.

Therefore, only the question to decide in the suit is with respect to possession only. In such circumstances, why the said sale deeds are required to be gone into has not been disclosed by the petitioner. The suit has been dismissed. It is not his case that for pronouncing satisfactory Judgment, the documents are necessary. The plaintiff is required to prove his case and not to demolish the case of the defendant.

From perusal of the impugned order, it appears that the Court below has passed a reasoned order, therefore, it is not a case for interference in supervisory jurisdiction.

Accordingly, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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