

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1634 of 2016

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Daroga Sah @ Daroga Sonar

.... Petitioner/s

Versus

Kailash Pathak

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Kumar Shrivastva

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 25-02-2016

Heard the learned counsel, Mr. Akhileshwar Kumar
Srivastava for the petitioner.

By the impugned order dated 19.12.2015, the learned
lower appellate court in Title Appeal No.8 of 2012 rejected the
application filed by the petitioner under Order 41 Rule 27 C.P.C.
seeking permission to adduce additional evidence.

The lower appellate court in the impugned order held
that the issue between the parties that whether Sunar Sonar is full
brother of Hira Sonar or not and whether son of Sunar, Kamta died
issueless in the state of jointness with Hira Sonar or not and,
therefore, in view of the rival claims of the parties ground given
by the appellant for permitting him to adduce additional evidence
is not sustainable in fact or in law. The suit is only simple
injunction suit and only prima facie case is to be seen.

Since the Court below after perusing the record and

considering the submissions of the parties and the issues between the parties has held that additional evidence sought to be adduced is not required, therefore, there is no question of interference in supervisory jurisdiction arises.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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