

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10343 of 2014

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Bir Bahadur Yadav son of Yugeshwar Yadav resident of village - Saidaband, Tola
Balha, P.S. Biraul, District – Darbhanga

.... Petitioner/s

Versus

1. Tarakant Chaudhary son of Ram Bilas Chaudhary resident of village - Pokhram,
P.S. Biraul, District – Darbhanga.
2. Chandrashekhar Rai son of Late Ram Naresh Rai.
3. Punit Kumar Rai son of Late Kusheshwar Rai.
4. Surendra Rai son of late Hare Ram Rai.
5. Ram Kripal son of Bhaglu Rai All resident of village - Dekulidham, P.S. Biraul,
District – Darbhanga.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Narendra Kumar Singh, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 30-06-2016

Heard Mr. Ajay Kumar Singh, learned counsel for the
petitioner.

The petitioner who is the defendant in the suit has filed
this application questioning the legal sustainability of the impugned
order by which the learned court below has rejected the prayer of the
petitioner for adducing some documentary evidence in the suit on his
behalf.

Mr. Singh, learned counsel for the petitioner has



submitted that the petitioner has furnished cogent explanation for non-production of those documentary evidence earlier. It has been emphasized that the petitioner is a layman and has handed over those documents to his advocate in the learned court below but the same could not be filed earlier. Learned counsel has, therefore, submitted that in order to do substantial justice, the petitioner be allowed to adduce those documents in evidence.

After considering the submissions and the perusal of the impugned order, it is manifest that the suit is at the argument stage. The learned court below has noticed in the impugned order that the evidence of the present petitioner has already been closed by order dated 13.04.2012. There is no such averment in this regard in the entire application to show that there was any prayer ever made by the defendants for reopening of his evidence at any stage upto the stage when the suit has been posted for argument. The explanation furnished by the petitioner that the documents had been handed over to the other counsel who was appearing for the petitioner but the same had not been filed by the said learned counsel is also not substantiated by the materials on record. This Court, therefore, in the backdrop of these facts, is not inclined to interfere with the impugned order.

The present application is, accordingly, dismissed.

However, the petitioner shall be at liberty to question the

legality and propriety of this order in accordance with law under
Section 105 (1) C.P.C if such occasion eventually arises.

(V. Nath, J)

Devendra/-

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