

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12005 of 2013

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Tarkeshwar Giri Son Of Satya Narayan Giri Resident Of Village - Jaitpur, Tiwary
Tola, P.O. - Jaitpur Bharwaliya, P.S. - Daudpur, District - Saran

.... Petitioner/s

Versus

Raj Kumar Giri Son Of Late Vindhyachal Giri Resident Of Village - Jaitpur,
Tiwary Tola, P.O. - Jaitpur Bharwaliya, P.S. - Daudpur, District - Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lakshman Lal Pandey, Adv.

For the Respondent/s : Mr. Shambhu Sharan Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 09-11-2016

Heard learned counsel for the parties.

By the impugned order, the learned court below has refused to accept the prayer on behalf of the defendant-petitioner for bringing on record by way of evidence the sale deed dated 18.10.1948.

The fact is not in dispute that the evidence of the parties was closed after completion and the argument was going on. At that stage, the defendant came up with the petition seeking to produce the sale deed as mentioned in his petition (Annexure-4) as evidence in the suit. The learned court below has come to the finding that there is no pleading in the written statement by the defendant-petitioner with regard to the document sought to be produced in evidence at the



belated stage. On behalf of the petitioner in course of submission also, no such pleading/averment could be pointed out by the petitioner which was related to the document. In this backdrop, this Court is not inclined to interdict the impugned order under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

However, the petitioner shall be at liberty to raise his objection, if such occasion arises, under Section 105 C.P.C. in accordance with law.

(V. Nath, J)

Devendra/-

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