

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 12433 of 2014

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Julekha Khatun, W/o Tahir Ansari, Resident of Village Kohari, P.S. Bhabua, District Kaimur at Bhabua. At present address, ward No. 8, Bhabua, P.O. + P.S. Bhabua, District Kaimur at Bhabua

.... Petitioner

Versus

1. Sahabuddin Ansari @ Mastan Ansari, S/o Late Ajimullah Ansari
2. Badaruddin Ansari, S/o Late Moiuddin Ansari
3. Shakila Bano, D/o Moiuddin Ansari
4. Shabanam Ara, D/o Moiuddin Ansari
5. Shabana, D/o Moiuddin Ansari
6. Saida Bibi, W/o Late Moiuddin Ansari, All resident of Village Ward No. 8, Bhabua, P.O. + P.S. Bhabua, District Kaimur at Bhabua

.... Respondents

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Appearance :

For the Petitioner : Mr. Rajani Kant Pandey, Advocate

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 30-08-2016

Heard Mr. Rajani Kant Pandey, learned counsel
appearing on behalf of the petitioner.

The present application has been filed assailing the
order by which the learned court below has rejected the prayer of the
plaintiff-petitioner to mark the two documents as exhibit in the suit.

From perusal of the materials on record and the
impugned order, it appears that the learned court below after
considering the facts and circumstances of this case has turned down
the prayer as made on behalf of the plaintiff and has posted the suit
for argument.

During the course of submission, it could not be

established on behalf of the petitioner as to why these two documents were not adduced in evidence in accordance with the provisions of the Evidence Act during the period when the suit was pending for evidence on behalf of the plaintiff. It is also apparent that the suit has been pending since 1999 and the present petition for exhibiting some documents has been filed in the year 2014.

In this background, this Court is not inclined to invoke the jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order.

The application is, accordingly, dismissed.

However, the petitioner shall have the liberty to raise appropriate objection/grounds, if such occasion arises, under the provisions of Section 105 of the Code of Civil Procedure.

(V. Nath, J.)

Kundan

AFR/NAFR	
CAV DATE	
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