

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3086 of 2015

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Munkuria Devi & Ors

.... Petitioner/s

Versus

Mahanth Raghunandan Das & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Sharma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 09-03-2016 Heard the learned counsel, Mr. Kundan Bahadur Singh, for the petitioner as well as learned counsel, Mr. Vishal Saurabh, for the respondents.

By the impugned order, the Court below has rejected the application under Order 41 Rule 27 CPC on 07.01.2015 in Title Appeal No.46 of 2008 recording a finding that none of the clause provided under Oder 41 Rule 27 is applicable in the present case.

The Hon'ble Supreme Court in the case of **Union of India vs. Ibrahim Uddin 2013 (1) PLJR 48 SC** has held that 'the appellate Court may permit additional evidence only and only if the conditions laid down in this rule are found to exist. The parties are not entitled as of right to the admission of such evidence. Thus provisions does not apply only on the basis of the evidence on record, the appellate Court can pronounce a

satisfactory judgment.’ The matter is entirely within the discretion of the trial Court. Since the Court below has considered the facts of the case and passed a reasoned order recording a finding that none of the provision is applicable, I find no reason to interfere with in exercise of supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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