

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14102 of 2013

- =====
1. Ramji Prasad Gupta Alias Ramji Prasad S/O Late Kapoor Chand Ram Resident Of Town - Farbesganj, P.S. - Farbesganj, Dist. - Araria
 2. Shivji Prasad Gupta Alias Shivji Prasad S/O Late Kapoor Chand Ram Resident Of Town - Farbesganj, P.S. - Farbesganj, Dist. - Araria
 3. Triloki Nath Gupta Alias Trilokinath Prasad S/O Late Kapoor Chand Ram Resident Of Town - Farbesganj, P.S. - Farbesganj, Dist. - Araria

.... Petitioner/s

Versus

1. Shankar Prasad Gupta S/O Late Lallan Prasad Gupta Resident Of Town - Farbesganj, P.S. - Farbesganj, Dist. - Araria
2. Lallan Prasad Gupta S/O Late Kapoor Chand Ram Resident Of Town - Farbesganj, P.S. - Farbesganj, Dist. - Araria

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. SUSHANTA KUMAR DAS, Adv
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 28-11-2016

Heard Mr. Sushanta Kumar Das, learned counsel for
the petitioners.

The plaintiffs-petitioners are the petitioners in this
application under Article 227 of the Constitution of India and have
questioned the legal acceptability of the impugned order by which
the appellate court below has allowed the prayer on behalf of the
defendant-appellants for adducing two documents i.e. Register-2



and Zamindar's return as additional evidence.

Mr. Das, learned counsel for the petitioners has submitted that the appellate court below has not disclosed the reasons as to why the court requires those documents in appeal. It has been further contended that the defendant-appellants should not have been allowed to adduce any additional evidence after lapse of a period of nearly 40 years from the date of filing of the suit and the purpose is only to delay the disposal of the appeal. Learned counsel for the petitioners has also submitted that those documents to be adduced in additional evidence are forged and fabricated.

After considering the submissions and perusal of the materials on record as well as the impugned order, it is manifest that after taking notice of the facts and circumstances of the case, the appellate court below has come to the conclusion that the documents sought to be adduced by way of additional evidence are required for just decision. This Court has not been persuaded to come to the conclusion that the discretion exercised by the appellate court below is arbitrary and perverse in any manner. The submission with regard to the nature of the two documents being forged and fabricated are still to be raised by the petitioners and considered by the appellate court below. As such this Court does not find it a fit case to invoke its jurisdiction under Article 227 of the Constitution of India to



interfere with the impugned order.

The application is, accordingly, dismissed.

The appellate court below is directed to expeditiously
dispose of the appeal.

(V. Nath, J)

Ranjan/-

U			
---	--	--	--

