

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8631 of 2015

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1. Ram Janam Rai @ Ram Janam Raut
 2. Shiv Janam Rai @ Shiv Janam Raut, null Both are sons of Late Singasan Raut,
 3. Khobhari Raut,
 4. Satan Raut, Both are sons of Late Indrasan Raut, All are Resident of Village - Ajvinagar, Post Office - Dumra, Police Station - Mahmadpur, District - Gopalganj.
 5. Ram Nath Raut, Son of Late Chanar Resident of Village + Post Office - Maharani, Police Station - Baikunthpur, District - Gopalganj.

.... Petitioner/s

Versus

1. Mostt. Punkali Devi Wife of Late Phagu Raut,
2. Dinesh Raut, Son of Late Phagu Raut, Both are resident of Village - Ajvinagar, Post Office - Dumra, Police Station - Mahmadpur, District - Gopalganj.
3. Dinesh Raut,
4. Shambhu Raut,
5. Ramesh Raut, All are sons of Late Jurjodhan Raut, All are resident of Village - Ajvinagar, Post Office - Dumra, Police Station - Mahmadpur, District - Gopalganj.
6. Shambhu Rai, Son of Late Dukhan Raut, Resident of Village - Athkhambha, Post Office + Police Station - Badhariya, District - Siwan.
7. Shambhu Nath Singh,
8. Raj Karan Singh,
9. Rajendra Singh,
10. Baleshwar Singh, All are sons of Late Nagina Singh,
11. Kanta Singh,
12. Madan Singh, Both sons of Late Dina Nath Singh All are resident of Village - Ajvinagar, Post Office - Dumra, District - Gopalganj.
13. Ganesh Singh,
14. Naresh Singh, Both are sons of Late Deep Singh, null
15. Jitendra Singh, Son of Late Mangal Singh,
16. Mukesh Singh,
17. Rakesh Singh, Both are sons of Late Bishwanath Singh, All are Resident of Village + Post Office - Dumra, Police Station- Jamo, District - Siwan.
18. Gauri Shankar Upadhyay Son of Late Ram Jas Upadhyay
19. Jagarnath Upadhyay Son of Late Gokhula Upadhyay, null
20. Basdeo Rai, Sonof Late Sampat Rai,
21. Balister Rai, Son of Late Sampat Rai,
22. Sita Ram Sharma, Son of Late Deoki Sharma, null
23. Bhola Sharma, Son of Late Deoki Sharma,
24. Lakhraj Ram Son of Late Deepa Ram,
25. Ramayan Ram, Son of Ram Kishun Ram,
26. Ram Jivan Ram, Son of Bhagrasan Ram, null
27. Dasat Ram, Son of Lakhraj Ram,
28. Shiv Prasad Rai, Son of Late Chait Rai, All are Resident of Village - Ajvinagar, Post Office - Dumra, Police Station - Mahmadpur, District -

Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 03-02-2016

Heard, Mr. S.K. Dwivedi, learned counsel for the petitioners as well as Mr. R.K. Dubey, learned counsel for the respondents.

This application under Article 227 of the Constitution of India has been filed by the defendants-petitioners for setting aside part of the order dated 13.01.2015 passed by the Sub-Judge-VI, Gopalganj in T.S. No. 219 of 2004, whereby the court below refused to mark certain documents on the ground that no proper steps have been taken by the defendants to prove the documents.

The learned counsel for the petitioners submitted that the documents were filed earlier by the petitioners in the court and subsequently when the application was filed for marking the said documents, the court below marked the public documents i.e. judgment of title suit as exhibit in the suit and refused to mark the other documents, which are either registered sale deed or rent receipts. According to learned counsel for the petitioners, the court below should have marked the said documents.

On the other hand, learned counsel appearing for the respondents submitted that, in fact, the petitioners are not obeying the order of the court and this is the fifth attempt made by him to get the said document marked as exhibit and the court below has only stated that the document when proper proof of custody could not have marked the same under Section 19 C.P.C.

Perused the order passed by the court below. Since it is admitted fact that no proper steps have been taken by the petitioner to get the documents marked as exhibit, the court below rightly refused to mark the same.

In such circumstances, in supervisory jurisdiction, the order passed by the court below refusing to mark the documents in absence of proper steps, cannot be interfered with. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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