

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8527 of 2015

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Kapildeo Mahto & Anr

.... Petitioner/s

Versus

Jadolal Sah & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhannjay Kumar No 2

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 12-02-2016

Heard learned counsel Mr. Chandrakant for the
petitioners.

This application under Article 227 of the Constitution
of India has been directed against the order dated 08.04.2015,
passed by Addl. District Judge-IVth, Bettiah, West Champaran in
Title Appeal No. 54 of 2013, whereby the Court below has
rejected the application under Order 41 Rule 27 C.P.C. recording a
finding that none of the clause provided under Order 41 Rule 27
C.P.C. is available for the petitioners.

The Hon'ble Supreme Court in **2015 (4) BBCJ 464**
SC A. Andisamy Chettiar Vrs. A. Subburaj Chettiar relying on
the earlier decisions of the Supreme Court in various cases and in
also the case **of Union of India Vrs. Ibrahim Uddin and Another**
(2012) 8 SCC 148 has held that the parties can not be allowed to
fill up lacuna at appellate stage as it is against sprit of C.P.C to

allow a party to adduce additional evidence without fulfillment of either of three conditions mentioned in Rule 27 of Order 41. In such circumstances, no case for interference in supervisory jurisdiction arises.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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