

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11164 of 2014

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1. Satya Narain Lal Son of Late Bishwanath Prasad
2. Smt. Kamlawati Devi Wife of Satya Narain Lal Both Resident of Mohalla Moti
Jheel, Ayodhya Prasad Lane, P.S. Town, P.O- Muzaffarpur, District- Muzaffarpur.

.... (Defendants) Petitioner/s

Versus

1. Smt. Durgesh Nandini Wife of Sri Hari Shankar Prasad Sinha resident of
Mohalla Moti Jheel, Ayodhya Prasad Lane, P.S- Town, P.O- Muzaffarpur, District-
Muzaffarpur.

.... (Plaintiff) Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 25-07-2016

Heard learned counsel appearing on behalf of the
petitioners.

2. The petitioners are the defendants in the suit for
eviction filed by the plaintiff-respondent no. 1.

3. During the stage when the evidence of the plaintiff
was going on, a petition was filed on behalf of the plaintiff for
adducing certain documents in evidence. By the impugned order the
learned court below has allowed the prayer of the plaintiff for
adducing evidence after imposing cost.



4. The learned senior counsel for the defendant-petitioners has submitted that the intention of the plaintiff is only to delay the disposal of the suit which has been filed with regard to the joint family property, wherein, the defendants have their independent right, title and interest and they have never been the tenant in the suit premises. It has also been submitted that the learned court below ought not to have allowed the prayer of the plaintiff at the belated stage when the plaintiff has failed to file documents along with the plaint or even at the stage of first hearing of the suit.

5. After considering the submission and perusal of the impugned order, it is manifest that the learned court below has come to the finding that the documents filed by the plaintiff-respondent no. 1 are necessary for proper adjudication of the suit. It is also apparent from the impugned order that the petition for adducing those documents in evidence was filed by the plaintiff when her evidence was not closed. In this background, this Court does not find that the learned court below has acted with illegality or material irregularity warranting interference under Article 227 of the Constitution of India.

6. The application is accordingly dismissed.

7. The learned court below is directed to dispose of the

suit expeditiously without granting unnecessary adjournments to the parties.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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