

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4799 of 2014

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1. Deo Sharan Singh @ Munna S/O Late Bindhyavasani Singh
2. Shiv Sharan Singh
3. Gaurav Singh Both Sons Of Deo Sharan Singh
4. Anita Singh @ Pinki
5. Omika Singh @ Rinki Daughter Of Deo Sharan Singh All Are Resident
Of Village And Post Akhlaopur, Police Station Bhabhua, District Kaimur
(Bhabhua).

.... Petitioner/s

Versus

Most. Girija Kuer

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Waliur Rahman
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 21-01-2016 Heard Mr. Waliur Rahman, learned counsel
appearing for the petitioners.

This application, under Article 227 of the Constitution of India, has been filed by the defendants-petitioners for setting aside the order dated 29.11.2013 passed by the Sub-Judge-V, Kaimur, at Bhabhua in Title Suit No. 261 of 2007, whereby the court below allowed the application filed by the plaintiffs-respondents for marking some documents as exhibit in the suit.

The learned counsel for the petitioners submitted that earlier on 30.09.2011, same prayer of the plaintiffs-respondents was rejected by the court below but again an application was filed

and the court below allowed the same, thereby, he reviewed the earlier order passed by him.

Perused the order passed by the court below and order dated 30.09.2013 also. It appears that earlier application was rejected on the ground that the application, according to the provisions as contained in Order 7 Rule 14 C.P.C., is not maintainable. So far impugned order is concerned, from perusal of the same, it appears that the court below found that the documents filed by the plaintiffs-respondents are relevant for just decision of the controversy between the parties and the documents are public documents and, therefore, directed the documents to be marked and awarded cost of Rs. 600/- on the ground of delay. So far objection of the petitioner that these documents have been allowed at the stage of argument is concerned, the Hon'ble Supreme Court in the case of *K. K. Velusamy Vs. N. Palanisamy* reported in **2011 (11) SC 275** has held that power under Section 151 can be exercised to deal with any particular procedural aspect which is not provided expressly or impliedly in C.P.C., if ends of justice so warrant and to prevent abuse of process of court. Court in appropriate cases can exercise its discretion to permit reopening of evidence and/or recalling of evidences for further examination/cross-examination after evidence led by parties is

concluded and arguments have commenced or even when arguments have concluded and case has been reserved for judgment. In the present case, the learned court below, therefore, has exercised jurisdiction under Section 151. Considering the facts and circumstances of the case, therefore, in supervisory jurisdiction, this Court cannot interfere with the impugned order. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J.)

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