

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No. 11791 of 2013

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Bhagwat Ram, Son of Late Minay Ram, resident of Mohalla – Saharsa Basti, P.S. +
District - Saharsa

.... Petitioner

Versus

The State of Bihar through the Collector, Saharsa

.... Respondent

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Appearance :

For the Petitioner : Mr.

For the Respondent : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 09-11-2016

Heard learned counsel for the petitioner.

The plaintiff, who has filed the appeal in the court below, is the petitioner in the present application under Article 227 of the Constitution of India questioning the legal sustainability of the impugned order rejecting his prayer for adducing additional evidence.

The fact is not in dispute that the document, which was sought to be adduced by way of additional evidence, was a public document. However, the plaintiff-appellant in the court below did not disclose the reasons which prevented him from adducing the said document in evidence at the stage of trial of the suit. The appellate court below has considered the provisions of Order 41, Rule 27 of the C.P.C. and thereafter has come to the conclusion that the prayer made by the plaintiff-appellant was not tenable in law.

After considering the submissions and the facts and



circumstances of the case, this Court is not inclined to interfere in the
impugned order under Article 227 of the Constitution of India.

The petition is, accordingly, dismissed.

(V. Nath, J.)

Kundan

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CAV DATE	
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