

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14942 of 2014

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1. Seema Devi wife of Sri Sanjay sharma
 2. Smt. Indu Devi wife of Sri Akhilesh Kumar Sharma
 3. Nirmala Devi, wife of Sri Niwas Kumar All resident of village Jalalpur, P.S.-
Dhanarua, District- Patna.

.... Petitioner/s

Versus

Sri Basant Prasad Sharma @ Basant Singh, son of Late Ambika Singh, resident of
village- Jalalpur Bhakhari, P.S.- Dhanarua, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 24-10-2016

Heard learned counsel for the petitioners.

The legal sustainability of the impugned order whereby
the learned court below has turned down the prayer on behalf of the
defendant nos. 2 to 4 in the suit for specific performance of contract to
adduce some deeds of gift in evidence has been questioned in this
application under Article 227 of the Constitution of India.

The fact is not in dispute that the suit has been filed for
specific performance of contract. It also transpires from the impugned
order that the evidence of the defendants has been closed long back
and the suit has been posted for argument. At that stage, the prayer
has been made on behalf of the defendant-petitioners to bring on



record those deeds of gift as evidence. The learned court below, after taking into notice the belated stage at which the prayer has been made, has also come to the conclusion the documents sought to be adduced in evidence by the defendant-petitioners are not necessary for adjudication of the issues arising in the suit.

After considering the submissions and the facts and circumstances of the case, this Court is not persuaded to hold that the deeds of gift sought to be adduced in evidence at the final stage of argument are necessary and relevant for determination of the issues in the suit for specific performance of contract. The learned court below has rightly come to the conclusion that the prayer made on behalf of the petitioners was not legally tenable. This Court, therefore, is not inclined to invoke the jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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