

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12657 of 2014

=====

Aklu Mahto S/o Late Janak Mandal R/o Village Kharsand, P.S. Kalyanpur, District-Samastipur.

.... Petitioner.

Versus

1. Dharmendra Prasad Singh S/o Sri Narendra Prasad Singh
2. Narendra Prasad Singh S/o Rajeshwar Prasad Singh Both Resident of Village Kharsand, P.S.- Kalyanpur, District- Samastipur.
3. Nagendra Singh S/o Late Sukhdeo Singh Resident of Village- Kharsand, P.S. Kalyanpur, District- Samastipur.

.... Respondents.

=====

Appearance :

For the Petitioner/s : Mr. Sita Ram Yadav

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 05-09-2016

Heard Mr. Neeraj Kumar, learned counsel appearing on behalf of the petitioner and the learned counsel appearing for the contesting respondent.

By the impugned order, the learned court below has turned down the prayer made on behalf of the plaintiff-appellant to adduce certain documents by way of additional evidence in appeal.

From the copy of the original decree passed in the suit as annexed with the present application, it transpires that the suit was filed by the plaintiff for declaration with regard to the sale deed executed by Nagendra Singh in favour of Dharmendra Singh to be void, illegal and not binding upon the plaintiff. It does not appear from the said certified copy that any other relief was prayed in the

suit. The plaintiff lost the suit and filed the appeal. During the pendency of the appeal, the plaintiff filed the petition for adducing some documents by way of additional evidence. The learned court below after hearing the parties and the scrutiny of the documents proposed to be adduced by way of additional evidence in the suit, has come to the finding that those documents cannot be relied upon, as they do not appear to have been validly issued in accordance with law and the plaintiff has also failed to explain the origin of the said documents.

After considering the submissions on behalf of the parties and the averments made in the application, this Court finds that the petitioner has failed to establish that the impugned order has been passed illegally or with material irregularity. The finding of fact has been recorded by the appellate court below touching upon the genuineness of the documents sought to be adduced by way of additional evidence and this Court has not been persuaded to hold the said findings to be perverse in any manner.

Accordingly, this application is dismissed.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	07.09.2016
Transmission Date	