

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4597 of 2016

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Rambriksh Yadav & Anr	Versus	 Petitioner/s
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Suresh Sharma & Ors	 Respondent/s
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Appearance :

For the Petitioner/s : Mr. Jogendra Prasad, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 29-04-2016

Heard the learned counsel Mr. Rohit Mishra for the petitioners and learned counsel Mr. Arun Kumar for the respondent Nos.1 to 7.

It appears that by the order dated 05.01.2016, the learned Sub-Judge-II, Jehanabad in Title Suit No. 30 of 1989/ 49 of 1993 allowed the application filed by the plaintiff-respondent to mark three documents.

The learned counsel for the petitioners submitted that earlier also same prayer was made which was rejected and thereafter second application has been filed and the Court below by the order in fact reviewed the earlier order and has allowed the application filed by the plaintiff-respondents.

On the other hand learned counsel for the respondents submitted that in fact earlier the record in which the documents were filed was not traceable. The Court below considering the same rejected the application. It could be traced after seven years.

Perused the order passed by the Court below, the

Court below has only allowed to mark some documents at the stage of arguments.

The Court below while allowing the application has considered the submission of the parties and the fact of the case and then has allowed the application. In no case, it can be said that the order is unreasoned order. No doubt, the case is at the stage of argument but the Court has exercised the jurisdiction under Section 151 C.P.C and has allowed to mark some documents in the suit which according to the plaintiff-respondent, are essential for just decision of the controversies between the parties.

Therefore, in view of the decision of the Hon'ble Supreme Court (2011) 11 SCC 275 K.K. Velusamy Vrs. N. Palanisamy, it can not be said that the Court has no jurisdiction at all. When the Court below has exercised the jurisdiction under Section 151 C.P.C, this Court in exercise of supervisory jurisdiction cannot examine the reasoning and cannot substitute its own finding for the purpose of supervising the order passed by the Court below.

Thus, I find no reason to interfere with the impugned order. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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