

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.3108 of 2014

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Birendra Singh & Ors

.... Petitioner/s

Versus

Dinesh Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amar Nath Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR

SAHOO

ORAL ORDER

3 21-01-2016 1. Heard the learned counsel for the petitioner.

2. By the impugned order dated 21.10.2013 passed by the learned Vth Subordinate Judge, Motihari in Title Suit No.304 of 2009, the Court below has rejected the application filed by the plaintiff petitioner to direct the defendants to file admitted document for comparison with the disputed document said to have been executed by vendor of the plaintiff.

3. Perused the order passed by the Court below. The defendants admittedly nowhere stated that they had some documents in their possession executed by the vendor of the plaintiff. In such circumstances they cannot be compelled to produce any document without specifying that particular document is in their possession.

4. It may be mentioned here that the plaintiff has filed the suit for declaration of title, therefore, the burden is on the plaintiff to prove his case in view of the decision of the Supreme Court in the case of ***Union of India Vs. Vasavi Cooperatives Housing Society Ltd. 2014 (2) SCC 269.*** For the purpose of discharging his onus, he cannot pray for the production of the evidence in support of the plaintiff by the defendant. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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