

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9823 of 2014

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Ram Naresh Rai S/o Late Chalitar Rai Resident of Village Jawahi, P.S. Sursand,
P.O. Radhaur, District Sitamarhi.

.... Petitioner

Versus

1. Ram Pukari Devi @ Karia Devi W/o Jageshwar Rai Resident of Village Bishanpur, P.S. Parihar, District Sitamarhi.
2. Ram Kumar Jha S/o Late Rajendra Jha Resident of Village Jawahi, P.S. Sursand, District Sitamarhi.
3. Raj Kishor Rai S/o Not known
4. Birendra Rai S/o Raj Kishor Rai
5. Rani Devi W/o Raj Kishor Rai All are Resident of Village Kusail, P.S. Pupri, District Sitamarhi.
6. Sudhir Rai S/o Ram Naresh Rai
7. Ram Niwas Rai S/o Ram Naresh Rai Both Resident of Village Jawahi, P.S. Sursand, District Sitamarhi.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 17-05-2016

V.Nath, J.

Heard Mr.Yogendra Prasad Sinha, learned counsel

appearing for the petitioner.

The grievance of the petitioner is against the impugned order by which the learned court below has allowed the prayer of Ram Pukari Devi to adduce a document in evidence. The learned counsel for the petitioner has submitted that an enquiry under Order 22 Rule 5 C.P.C is going on with regard to the status of the said defendant Ram Pukari Devi as heir of the deceased party and therefore the contention of the learned counsel for the petitioner is that

till the said proceeding is not decided, the document should not be taken in evidence.

After considering the submissions and perusing the impugned order, it is manifest that the learned court below has allowed the prayer of the defendant Ram Pukari Devi for exhibiting the document produced by her. The contention on behalf of the petitioner is that an enquiry under Order 22 Rule 5 C.P.C is going on with regard to the status of the said Ram Pukari Devi. It is obvious therefore that in case such enquiry is decided against the said person she would no more remain a party but if such enquiry results in her favour then she would be entitled as a party to the suit to adduce evidence. This Court thus does not find any illegality or material irregularity committed by the learned court below in passing the impugned order.

The application is , accordingly, dismissed.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
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