

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12779 of 2014

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1. Prabhu Rai Son of Late Nathuni Rai Resident of village Ashpatpur
Sindhiya P.O. Bhairapur, P.S. Raghapur, District - Vaishali at Present
residing at Mile Pakri, P.O. Bhairapur, P.S. Bidupur, District - Vaishali

.... Petitioner/s

Versus

1. Most. Dhanpatiya Devi wife of Late Pyare Rai
2. Most. Lalpari Devi wife of Late Ram Ekbal Rai
3. Sanjay Rai
4. Ajay Rai Both sons of Late Ram Ekbal Rai All resident of village -
Ashpatpur Sindhiya, P.O. Bhairapur, P.S. Raghapur, District - Vaishali
5. Anita Devi daughter of Late Ram Ekbal Rai wife of Birchandar Rai
Resident of village - Dhelphurha, P.S. Rajapakar, District - Vaishali
6. Savita Devi daughter of Late Ram Ekbal Rai, Wife of Netaji Resident of
Pahleja, P.S. Sonpur, District - Saran
7. Kaila Devi daughter of Late Ram Ekbal Rai, Wife of Bachcha Prasad
Resident of village - Prasadi, P.S. Parsa, District - Saran
8. Yogendra Rai
9. Mahendra Rai Both sons of Late Pyare Rai
10. Sonphool Devi daughter of Late Pyare Rai All resident of village -
Maeel Pakri, P.O. Bhairapur, P.S. Bidupur, District - Vaishali
11. Parwati Devi wife of Late Jagarnath Rai
12. Dinesh Rai
13. Chandu Rai Both sons of Late Jagarnath Rai All resident of village -
Maul Pakri, P.O. Bhairapur, P.S. Bidupur, District - Vaishali
14. Viranchit Rai

15. Doman Rai

16. Hemant Rai All Sons of Lagan Deo Rai All resident of village - Nasir Ganj (Near Bank Colony), Post Danapur, P.S. Nasirganj, District - Patna

17. Manti Devi daughter of Lagan Deo Rai, Wife of Name not Known to petitioner Resident of village - Vikram Pali, P.S. Bihta, District - Patna

18. Dharamsheela wife of Ram Deo Rai, Daughter of Jagarnath Rai Resident of village - Purwari Pahleja, P.S. Sonpur, District - Saran

19. Ramsheela wife of Shiv Balak, Daughter of Jagarnath Rai Resident of village - Purwari Pahleja, Post - Pahleja, P.S. Sonpur, District - Saran

20. Sakina Devi wife of Pavitra Rai, Daughter of Jagarnath Rai Resident of village + Post + P.S. Rajapakar, District - Vaishali

21. Geeta Devi wife of Bhuwaneshwar Rai, Daughter of Jagarnath Rai resident of village - Saidabad, P.S. Raghobpur, District - Patna

22. Meena Devi wife of Mahesh Rai, Daughter of Jagarnath Rai Resident of village - Bhairwa Pakar, P.O. Ambara Chowk, P.S. Paru, District - Muzaffarpur

23. Baby wife of Bhola Rai, Daughter of Jagarnath Rai Resident of village - Mustafapur, P.O. Chakausan, P.S. Bidupur, District - Vaishali

24. Rupam Rai Son of Late Nathuni Rai Resident of village - Maeel Pakri, P.O. Bhairpur, P.S. Bidupur, District - Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Adv
For the Respondent/s : Mr. Ranjeet Kumar, Adv & Mr. D.K. Verma, Adv

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

2 05-09-2016

Heard learned counsel for the petitioner.

Learned counsel for the respondents is present.

The respondent in the appeal is the petitioner in the present application filed under Article 227 of the Constitution of India assailing the order passed by the appellate court below whereby the appellate court has allowed the prayer on behalf of the appellants for adducing some documents in evidence. It appears from the impugned order as well as from the submissions on behalf of the petitioner that one of the material issues in the suit was the status of Late Pyare Lal Rai and Late Jagar Nath Rai who were own brothers living separately and the acquisition of the properties by them in the state of jointness or in the state of separation. The plaintiff lost the suit and filed the appeal and at the appellate stage filed a petition seeking to adduce in evidence certain certified copies of the sale deeds, mortgage deeds and revenue receipts. The appellate court below in the impugned order has recorded the finding that those documents are essential to enable the appellate court to pronounce the judgment and reach to a right conclusion.

This Court during the course of submission has not been persuaded to come to the conclusion that the discretion exercised by the appellate court below in accepting those

documents adduced by the appellant as additional evidence under Order 41 Rule 27(b) of the C.P.C is perverse or unreasonable. Even otherwise also it does not appear to this Court that the consideration and scrutiny by the appellate court below of some more documents shall cause prejudice to the respondents.

In the result, this Court does not find any merit in the application and which is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	22.11.16
Transmission Date	N.A.