

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12812 of 2014

- =====
1. Brajendra Choudhary @ Bagendra Choudhary.
 2. Gagendra Chaudhary.
 3. Satyendra Choudhary.
 4. Subodh Choudhary.
 5. Sanjay Choudhary All Sons of Late Suresh Choudhary Resident of Village - Karwan, P.S. Ara Mufassil, District – Bhojpur.

.... Petitioner/s

Versus

1. Sri Bhagwan Choudhary Son of Late Phirangi Choudhary.
2. Tej Narayan Choudhary Son of Late Rajdeo Choudhary.
3. Ravindra Singh.
4. Mahendra Singh Both Sons of Triveni Singh.
5. Auhilya Devi Wife of Gajendra Choudhary All Resident of Village - Karwan, P.S. Ara Mufassil, District – Bhojpur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Abhay Kumar Pandey, Adv.

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 07-09-2016

Heard learned counsel for the petitioners.

Questioning the legal sustainability of the impugned order by which the learned court below has turned down the prayer made on behalf of the plaintiff-petitioners to accept more documents in evidence, the present application has been filed under Article 227 of the Constitution of India.

Learned counsel for the petitioners has submitted that in

the ends of justice those documents should have been taken in evidence. It has been contended that the nature of the documents demonstrates that those documents are public documents and are relevant for determination of the issues arising in the suit.

After considering the submissions and the perusal of the impugned order including the petition filed by the plaintiff-petitioners on 02.09.2013 (Annexure-2), it transpires that the facts establishing due diligence on the part of the plaintiff to produce those documents at the required stage has not been stated. The only statement made in the petition is that those documents could not be available to the plaintiff-petitioners in time. It is not in dispute that the prayer to produce those documents has been made when the suit was at the argument stage. In this backdrop, this Court is not inclined to invoke the jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order.

The present application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

U			
---	--	--	--