

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.563 of 2015**

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Devendra Tripathi

.... .... Petitioner/s

Versus

Anil Kumar & Anr

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR**  
**SAHOO**  
**ORAL ORDER**

2 01-03-2016

Heard the learned counsel, Mr. Shiva Shankar Sharma  
for the petitioner.

By the impugned order dated 24.11.2014, the learned  
2<sup>nd</sup> A.D.J., Bagaha rejected the application under Order 41 Rule 27  
C.P.C. in Title Appeal No.89 of 1993 recording a clearing finding  
that the sale deed sought to be adduced as additional evidence in  
the appeal is not necessary for just decision of the controversy  
between the parties in the suit.

Perused the order passed by the Court below. The lower  
appellate court has held that the controversy between the parties  
can be effectively decided in absence of the sale deed sought to be  
produced as additional evidence in the suit. Therefore, none of the  
clauses mentioned in Order 41 Rule 27 are applicable in the  
present case.

The Hon'ble Supreme Court in the case of **Union of**

**India v. Ibrahim Uddin & Anr., 2013(1) PLJR 48 Supreme Court** has held that “the appellate court may permit additional evidence only and only if the conditions laid down in this rule are found to exist. The parties are not entitled as of right, to the admission of such evidence. Thus, provision does not apply when on the basis of evidence on record, the appellate court can pronounce a satisfactory judgment.”

Therefore, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this writ application is dismissed.

**(Mungeshwar Sahoo, J)**

Saurabh/-

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