

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.881 of 2016**

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Sita Devi @ Sita Kuer

.... .... Appellant/s

Versus

Prabha Singh & Ors

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Shyam Bihari Singh

For the Respondent/s : Mr.

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

2 24-10-2016

Heard learned counsel for the petitioner.

Perused the impugned order dated 09.06.2016 passed by learned Subordinate Judge-VIII, Kaimur at Bhabua in Title Suit No.155 of 1994 whereby the learned court below allowed the plaintiffs to produce some public documents as evidence on the ground that those documents came into existence during the pendency of the appeal. Because of delay the court below also directed the plaintiffs to pay cost of Rs.400/- to the defendant-petitioner.

Admittedly, the evidences of both the parties have been closed in the year 2006 as submitted by learned counsel for the petitioner. Since last ten years the case was pending for argument, at this stage some public documents were sought by the plaintiffs for marking the same as exhibit on the ground of subsequent event and the court below has marked the documents as exhibits in the case.

From perusal of the impugned order, it appears that the court below held that it is necessary to admit the documents in evidence.

The Hon'ble Supreme Court in the case of **Rukaiyabibi Ahmed Ali Ismail and others Vs. Musa Ismail Mahmed Khusal and others, (2014) 16 Supreme Court Cases 422** in the same facts and circumstances of the case has allowed the production of evidence at the stage of argument. It appears that in the case before the Supreme Court the case was heard in part and at that stage the trial court rejected the application of the plaintiff. The High Court also rejected the application of the plaintiff. The Supreme Court set aside the order of both the courts below and directed the lower court to take the documents in evidence as the documents sought to be produced were all public documents. In the present case also the documents are public documents. In such circumstances, when the court below has exercised the jurisdiction vested in it by law, on technical ground that it will cause delay, the order cannot be interfered with in exercise of supervisory jurisdiction.

Therefore, I find no reason to interfere with the impugned order. Thus, this civil miscellaneous application is dismissed.

Harish/-

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(Mungeshwar Sahoo, J)