

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17500 of 2015

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Birendra Kumar Sharma

.... Petitioner/s

Versus

The State of Bihar & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shivendra Prasad

For the Respondent/s : Mr. Ga1- S.K. Sharma

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 21-04-2016

Heard the learned counsel, Mr. Shivendra Prasad for the petitioner and the learned counsel, Mr. Khatim Reza for the respondent No.2. The respondent No.1, State of Bihar has wrongly been made party in this writ application.

Although, this application has been filed under Article 226 of the Constitution of India, at the time of hearing of this writ application, the learned counsel for the petitioner submitted that the writ application may be heard treating the same as an application under Article 227 of the Constitution of India. Accordingly, I heard him.

By order dated 02.08.2015/03.08.2015, the learned Sub Judge VII, Gaya in Title Suit No.26 of 2010/68 of 2010(234 of 2010) rejected the application filed by the petitioner to mark the photocopy of Register II as an exhibit in the suit at the argument stage.

It appears that the suit was filed by the plaintiff-respondent no.2 for declaration that the registered sale deed said to have been executed by father of the plaintiff-respondent is void.

Perused the order passed by the Court below. It appears that the Court below held that the petitioner has not followed the procedure and is trying to mark the photocopy of the Register II as an exhibit in the suit.

It appears that the nature of relief claimed in the plaint is regarding the declaration with respect to the sale deed and for declaration of the sale deed as void or voidable, the document which is sought to be marked as exhibit is not at all relevant and, therefore, the learned Court below has rightly rejected the same.

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

(Mungeshwar Sahoo, J)

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