

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17529 of 2015

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Rajendra Singh

.... Petitioner/s

Versus

Mahendra Mistri

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 23-06-2016 Heard the learned counsel, Mr. Anil Kumar Singh No.6, on behalf of the petitioner.

By the impugned order dated 18.09.2015, the learned Addl. District Judge IV, Aurangabad in Partition Appeal No.1 of 2011 / 32 of 2012 allowed the application filed by the respondent under Order 41 Rule 27 CPC recording a finding that in fact the document was produced before the trial Court which was rejected on the ground of delay only which could not have been rejected by the trial Court.

In view of the finding of the lower appellate Court that Order 41 Rule 27 is applicable in the present case and the appellate Court has exercised a discretionary jurisdiction, this Court should not interfere with the impugned order in another discretionary supervisory jurisdiction under Article 227 of the Constitution of India. Thus, this writ application is dismissed.

Sanjeev/-

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(Mungeshwar Sahoo, J)