

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9097 of 2014

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Raghunath Sharma S/o Hari Narayan Sharma resident of village - Saidpur, Maker,
P.S. Dariyapur, Distt. - Saran at Chapra

.... Petitioner/s

Versus

Budhan Rai S/O Ram Pati Rai resident of village - Saidpur, Maker, P.S. Dariyapur,
Distt. - Saran at Chapra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 28-04-2016

V.Nath, J.

Heard learned counsel for the petitioner.

Questioning the legal sustainability of the impugned order by which the learned court below has allowed the defendant to produce the photo copy of the documents in evidence, the present application under Article 227 of the Constitution of India has been filed.

After considering the submissions as well as the materials on record including the impugned order, it is manifest that the defendant has come out with the case that he had filed the original document on 21.04.2003 and 24.02.2004 in the court but the same have been misplaced by the office of the court apparently having been tagged with the brief of another case. In this backdrop, the prayer has

been made by the defendant to the court to accept the photo copies of those documents in evidence. The plaintiff has not denied the aforesaid fact in his rejoinder rather has only submitted before the court that the defendant only wants to linger the proceeding in the suit. The learned court below, however, has accepted those documents in evidence on behalf of the defendant, closed the evidence of the defendant and has posted the suit for argument.

In view of the aforesaid facts and circumstances, this Court does not find substance in the submission on behalf of the petitioner that the defendant wants to linger the proceeding of the suit and therefore has filed the copies of the documents to be taken in evidence. This Court, therefore, is not inclined to interdict the impugned order in exercise of jurisdiction under Article 227 of the Constitution of India.

This application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
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