

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9517 of 2015

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Surajdeo Yadav

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar

For the Respondent/s : Mr. Rajesh Kumar- Gp19

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 25-04-2016

Heard the learned counsel, Mr. Nagendra Dubey for the petitioner and the learned A.C. to G.P.19 for the State.

By the order dated 18.02.2015, the learned Additional Munsif I, Jehanabad has rejected the application filed by the plaintiff-petitioner to mark the documents mentioned in the application in Title Suit No.59 of 1986/87 of 2009 only on the ground of delay.

The learned counsel for the petitioner submitted that the petitioner filed the application with certified copies of the documents for marking the same as exhibits in the suit as those documents are essential for just decision of the controversies between the parties but the Court below only on the ground of delay has rejected the application thereby causing injustice to the petitioner.

The Hon'ble Supreme Court in the case of **K.K.**

Velusamy vs. N. Palanisamy, (2011)11 Supreme Court Cases

275 has held that the Court in appropriate cases can exercise its discretion to permit reopening of evidences, recalling of witnesses, for further examination and cross-examination or even when arguments have been concluded and cases have been reserved for judgment in exercise of inherent jurisdiction under Section 151 C.P.C. This view of the Hon'ble Supreme Court has again been affirmed by another decision of the Supreme Court, (2014) 16 Supreme Court Cases 422. In the present case, only on the ground of delay, the Court below has rejected the application filed by the plaintiff and thereby refused to exercise a jurisdiction vested in it by law.

Therefore, the impugned order is set aside and this writ application is allowed. The application filed by the plaintiff-respondent is allowed and the Court below is directed to mark the documents as exhibit and then proceed according to law.

(Mungeshwar Sahoo, J)

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