

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1330 of 2016**

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Shiv Narain Mukhiya & Ors

.... Appellant/s

Versus

Masaharu Kamat & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailendra Kumar Singh

For the Respondent/s : Mr.

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

ORAL ORDER

2 14-12-2016 Heard the learned counsel for the petitioner.

Perused the impugned order dated 05.08.2016 passed by Munsif, Birpur in Title Suit No.9 of 2002 whereby the Court below rejected the application filed by the petitioner for marking two documents as exhibit in the suit.

The learned counsel for the petitioner submitted that the suit has been posted for judgment after hearing both the parties. The application has been filed by the defendant petitioner for marking two documents which are order passed by Circle Officer in measurement case and report of Anchal Amin regarding measurement. The suit has been filed for declaration of title by the plaintiff respondent. Therefore, for deciding the question of title, the report of Amin or the order passed by Circle Officer for measurement case is not at all necessary. Thus, at this stage, it is not necessary to reopen the case of the defendant petitioner and



mark the two documents as exhibit since the suit has been posted
for Judgment.

Thus, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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