

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4650 of 2015

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Birendra Singh @ Birendra Yadav & Anr

.... Petitioner/s

Versus

Most. Sail Devi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shashi Nath Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 14-03-2016

Heard the learned counsel, Mr. Shashi Nath Jha for the petitioners and the learned counsel, Mr. Shailendra Kumar Singh for the respondent.

Perused the order passed by the Court below. It appears that on 19.05.2014, the defendant-petitioner filed application praying for marking sale deeds as exhibits on the ground that those are public documents. The Court below on 04.06.2014, allowed the said prayer and thereafter closed the evidence of the defendant. Again on 14.07.2014, the defendant filed application to recall the aforesaid order on the ground that by mistake, the documents could not be marked exhibit.

By the impugned order dated 03.02.2015, the learned Sub Judge IV, Araria in Title Suit No.167 of 2005 held that since the application filed by the petitioner has already been allowed, there is no question of recalling the order arises.



From the above order, it appears that it was the prayer of the defendant in the application dated 19.05.2014 that the sale deeds are public documents, therefore, those documents be marked as exhibits which has been allowed by the Court below. Therefore, when the Court below has allowed the prayer of the defendant-petitioner, why another application was filed for recall of the order, no reason has been assigned. Only statements by the learned counsel is made to the effect that those documents have not been exhibited. If so, the Court below shall verify the same and proceed according to law.

Accordingly, this writ application is disposed of with aforesaid directions.

(Mungeshwar Sahoo, J)

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