

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.683 of 2016

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1. Md. Ejaz Hussain Son of Late Sk. Md. Sajjad Hussain
 2. Md. Sabir Hussain Son of Late Sk. Md. Sajjad Hussain
 3. Md. Abu Saquib son of Late Md. Ibrahim and Husband of Late Bibi Saiyda
 4. Md. Gufranul Haque Son of Md. Saquib and Late Bibi Saiyda
 5. Md. Irfanul Haque son of Md. Saquib and Late Bibi Saiyda
 6. Md. Faizanul Haque Son of Md. Saquib and Late Bibi Saiyda
 7. Bibi Anjuman Ara Wife of Istiaque daughter of Md. Saquib and Late Bibi Saiyda
 8. Bibi Tabasoom Wife of Md. Zubair daughter of Md. Saquib and Late Bibi Saiyda
 9. Ruhi Parwin wife of Sabbir , daughter of Md. Saquib and Late Bibi Saiyda
 10. Husan Ara Wife of Md. Firoz, Daughter of Md. Saquib and Late Bibi Saiyda
 11. Sarwat Parwin Wife of Md. Afroz, Daughter of Md. Saquib and Late Bibi Saiyda
 12. Bibi Hamida Khatoon Wife of Md. Wasique and daughter of Late Sk. Md. Sajjad Hussain
 13. Bibi Sajda Khatoon Wife of Daud and daughter of Late Sk. Md. Sajjad Hussain
 14. Bibi Kaniz Khatoon Wife of Md. Rabban Alam and daughter of Late Sk Md. Sajjad Hussain
 15. Bibi Farida Khatoon Wife of Md. Mansoor Alam and Daughter of Late Sk Md. Sajjad Hussain All Resident of village- Koshkipur, Police Station Araria, District Araria

.... Petitioner/s

Versus

1. Md. Yunus son of Late Nijabat Ali resident of Village- Basantpur, Tola Koskipur, Police Station and Post Office Rampur Mahanpur, District Araria
2. Sohid Son of Late Sk. Sayyad Hussain
3. Aslam Son of Late Sk. Sayyad Hussain
4. Naushad Son of Late Sk. Sayyad Hussain
5. Touhid Son of Late Sk. Sayyad Hussain
6. Dilshad Son of Late Sk. Sayyad Hussain
7. Shahbaz Son of Late Sk. Sayyad Hussain
8. Sarfaraz Son of Late Sk. Sayyad Hussain
9. Sajid Son of Late Sk. Sayyad Hussain
10. Shahnawaz Son of Late Sk. Sayyad Hussain
11. Bibi Rukhsana Daughter of Late Sk. Sayyad Hussain
12. Bibi Saliman Daughter of Late Sk. Sayyad Hussain
13. Bibi Samina Daughter of Late Sk. Sayyad Hussain
14. Bibi Afsana Daughter of Late Sk. Sayyad Hussain
15. Most. Roushan Ara Widow of Late Sk. Sayyad Hussain Nos. 2 to 15 are Resident of village- Araria Basti, P.O.- Araria Baingachhi, P.S.- Araria, District-Araria

.... Respondent/s



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Appearance :

For the Appellant/s : Mr. Khatim Reza

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

8 29-11-2017 Heard both sides.

The petitioner filed this civil miscellaneous petition against the order dated 20.05.2016 passed by Sub Judge IV, Araria in Title Suit No.468 of 1997 by which the petition of the petitioner-plaintiff for fixing the case in evidence and allowing the plaintiff to exhibit Panchnama dated 19.02.1998 which is already on record from before has been rejected.

The learned counsel for the petitioner submits that Panchnama is the very important piece of evidence. Admittedly, the plaintiff could not exhibit Panchnama due to inadvertence but without taking into consideration the relevancy of the documents, the petition of the petitioner has been rejected.

On the other hand, the learned senior counsel for the respondents submitted that the evidence of the plaintiff was closed in the year 2011. Panchnama itself is a disputed document. The signatures are also disputed which will be sent for expert examination and all those process will linger the disposal of the suit but on perusal of the order of the learned Sub Judge, it appears



that learned Sub Judge has not given any finding about the relevancy of the documents to be exhibited by the plaintiff and the learned Sub Judge simply rejected the petition that the evidence of the plaintiff has already been closed and the case is running for argument.

It appears that panchnama was filed much earlier with the list of documents but due to inadvertence that could not be exhibited. Therefore, the plaintiff should be given proper opportunity to get the document exhibited.

Accordingly, in my view, the order suffers from jurisdictional error and the same is set aside. The civil miscellaneous petition is allowed.

(Prabhat Kumar Jha, J)

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