

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22381 of 2013

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Bigan Sah & Ors

.... Petitioner/s

Versus

Ramjanam Sao & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Lal Bahadur Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 10-10-2017 Heard the learned counsel for the petitioner and the learned
counsel for the respondent.

This writ application has been filed by the defendant
appellant petitioners against the order dated 30.08.2013 passed by
learned Addl. District Judge, Aurangabad in Partition Appeal No.5
of 2009 / 3 of 2009 whereby the learned appellate Court has
rejected the application filed by the appellant petitioner seeking
permission to adduce additional evidence.

From perusal of the impugned order, it appears that the
Court below after hearing the parties clearly recorded finding that
no proper steps were taken by the appellants petitioner for getting
the document sought to be produced as additional evidence
marked exhibit in the trial. It may be mentioned here that the
petitioner has not made out any case that any of the clause
provided under Order 41 Rule 27 is applicable in the present case.



His only case is that these documents are necessary to prove that there had already been previous partition.

It appears that the suit was filed for partition and the defence of the defendant is that there had already been partition. Both the parties have adduced their evidence and the learned trial Court after recording finding that the parties are joint, decreed the partition suit.

In such circumstances, the order impugned neither cannot be said to be improper, illegal or that it suffers from jurisdictional error or that the lower appellate Court passed the impugned order in the manner not permitted by law. Thus, in my opinion, no case for interference in exercise of supervisory jurisdiction is made out. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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