

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.472 of 2016

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1. Shree Kawal Singh Son of Late Sukhlal Singh Yadav
 2. Sitaram Singh Yadav Son of Late Keshri Singh Yadav. Both resident of Nayi Bazar (Mathia), P.O. and P.S. Buxar, District- Buxar.

.... Appellant/s

Versus

1. Kalawati Devi Wife of Late Baleshwar Singh.
2. Ghurahu Singh Son of Late Baleshwar Singh.
3. Hareshwar Singh son of Late Raj Narayan Singh.
4. Shri Bhagwan Singh
5. Kanhaiya Singh 4 and 5 sons of Hareshwar Singh 1 to 5 are resident of Village- Nayi Bazar (Mathiya), P.O. and P.S. and District- Buxar.
6. The State of Bihar through the Collector, Buxar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar Singh, Adv.

For the Respondent/s : Mr. Kamala Pd. Roy, Adv.

Mr. Satya Ranjan Sinha, Adv.

Mrs. Seema Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 10-04-2017

Heard learned counsel for the parties.

The legal acceptability of the impugned order by which the learned court below has turned down the prayer of the plaintiff-petitioners for taking some documents in evidence has been questioned in this application under Article 227 of the Constitution of



India.

The facts are transparent that the suit has been filed in the year 1994 for declaration of title and confirmation of possession. It further appears from the impugned order that the plaintiff-petitioners filed the petition for taking some documents including the present documents as evidence and the prayer of the petitioner was allowed in part with regard to only the public documents and the prayer was turned down for the private documents. The said order has not been assailed by the plaintiff-petitioners thereafter. However, when the suit has reached at the stage of argument where according to the learned counsel for the respondents the argument of the defendant-respondents has been complete, the petition has been filed by the plaintiff-petitioners for taking some private documents in evidence. The learned court below, after considering the facts and circumstances, has rejected the said prayer.

After considering the submissions and materials on record including the fact that a similar prayer of the plaintiff-petitioners has already been turned down at earlier stage and the suit is running for argument at present, this Court is not inclined to invoke the jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

However, the plaintiff-petitioners shall have the liberty to



raise objection under Section 105 C.P.C., if such occasion arises, to question the legality and validity of the impugned order.

Devendra/-

(V. Nath, J)

AFR/NAFR	
CAV DATE	
Uploading Date	11.04.2017
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