

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.332 of 2017

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1. Gajadhar Lal Pathak, Son of Madan Lal Pathak, Secretary, Chaudasiya, Gayapal Vishnupad Prabandhakarini Samiti, R/o- Mohalla Kharkatta Upradi, P.S.- Vishnupad, District- Gaya.
 2. Sri Vishnupad Bhagwan through its next Friend Gajadhar Lal Pathak, Gaya.

.... Petitioners.

Versus

1. The Bihar State Board of Religious Trust through Special Officer, Mitra Niwas, Radhika Sinha, Institute Road, Patna- 1.
2. District Magistrate, Gaya.
3. Superintendent of Police, Gaya.
4. Sub-Divisional Magistrate, Gaya.
5. Additional Collector, Gaya.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Ray Saurabh Nath

For the Respondent/s : Mr. SMT.KUMARI AMRITA-GP3

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 27-02-2017

Heard Mr.Ray Shivaji Nath, learned senior counsel appearing for the petitioners and Mr.Ganpati Trivedi, learned senior counsel appearing for the respondent no.1.

Questioning the legal acceptability of the impugned order by which the leaned court below has allowed the prayer of the defendant-respondent no.1 for adducing some documents in evidence, the present application under Article 227 of the Constitution of India has been filed.

Mr. Nath, learned senior counsel for the petitioners has submitted that the learned court below has not



considered the relevancy of the documents to be adduced by the defendant-respondent no.1 before allowing the prayer. It has been pointed out by referring to the list of documents annexed with the writ application that those documents only relate to the internal communications between the respondents which is irrelevant for the purpose of determining the issues. It has been further canvassed that the defendant no.1 has also failed to establish the relevancy of those documents and therefore the learned court below has committed error of jurisdiction in allowing the prayer of the defendants more so when no sufficient cause has been established by defendants for not producing those documents at earlier stages.

Learned senior counsel appearing for the respondent no.1 has supported the impugned order.

After considering the submissions and the perusal of the impugned order, it is manifest that the learned court below has clearly held that there has been laches on the part of the defendants in not producing the documents in evidence at the earlier stages. However, the learned court below has taken into notice the nature of the documents being different communications between the parties in the suit through the predecessors in office, communication between the government officials and judgment of courts concerning the subject matter in question in the suit. In this background, the learned



court below has found the documents relevant for just decision in the case. The learned court below while allowing the payer of the defendant has also allowed the opportunity to the plaintiff to produce evidence in rebuttal after the evidence of defendant is complete. It is not in dispute at the bar that adducing of evidence on behalf of the defendants is yet to commence and only the evidence of the plaintiff has been adduced. In the aforesaid background facts, this Court is not inclined to invoke the jurisdiction under Article 227 of the Constitution of India.

This application is accordingly dismissed.

(V. Nath, J)

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