

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.16006 of 2013

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Pankaj Kumar Mandal Son Of Late Sudhir Prasad Mandal Resident Of Village &
P.O.- Pararia, P.S. Dandkhora, District- Katihar. Petitioner/s

Versus

1. Sunil Bishwas S/O Late Mahabir Bishwas Resident Of Village- Balba Tola,
P.S. Dandkhora, District- Katihar
2. Smt. Gyanwati Devi W/O Sri Jagdish Biswas Resident Of Village- Jhana, P.S.
Kadwa, District- Katihar
3. Fudo Sah S/O Late Ram Kumar Sahu
4. Kumari Munni D/O Late Ram Kumar Sahu Resident Of Village- Sahu Parwatta,
P.S. Naugachhia, District- Bhagalpur
5. Most. Chauri Devi W/O Late Ramdeo Mandal
6. Chandrika Mandal
7. Bhutka Mandal
8. Shailendra Mandal all Son Of Nand Lal Mandal Residents Of Village- Orialy,
P.S. Kahalgaon, District- Bhagalpur
9. Smt. Sabni Devi W/O Sri Lilo Mandal
10. Smt. Sharda Devi W/O Sri Hari Bilas Mandal Resident Of Village- Oriep, P.S.
Kahalgaon, District- Bhagalpur.
11. Smt. Shusila Devi W/O Sri Satya Narayann Modi Resident Of Village Kushmi,
P.S. Mahgama, District- Godda, Jharkhand.
12. Mithilesh Mandal
13. Rajendra Mandal
14. Sarban Mandal Sons Of Late Kishan Pd. Mandal
15. Most. Kabutari Devi W/O Late Kishan Pd. Mandal
16. Most. Jyotshna Devi W/O Late Tilakdhari Mandal
17. Dharmendra Kr. Mandal
18. Narendra Kumar Mandal
19. Jitendra Kr. Mandal
20. Sikandar Kr. Mandal Sons Of Late Tilakdhari Mandal all Resident Of Village-
Tarba, P.S. Pirpainty, District- Bhagalpur.
21. Jagdish Mandal S/O Late Kartik Mandal Resident Of Village- Pararia Kala, P.S.
Dandkhora, District- Katihar. Respondent/s

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Appearance :



For the Petitioner/s : Mr. Vinod Shanker Modi, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 02-02-2017

Heard learned counsel for the petitioner.

By the impugned order, the learned court below has allowed the prayer of the defendants for bringing on record the two documentary evidence and has accordingly marked the same as exhibits.

Learned counsel for the plaintiff-petitioner has submitted that the documents were already in possession of the defendants for the last 22 years and therefore, the learned court below should not have accepted the documents in evidence and marked the same as exhibits at this stage. It has also been submitted that the defendants only want to linger the proceeding of the suit.

After considering the submissions and perusal of the materials on record including the impugned order, it is manifest that by impugned order the learned court below has accepted the two documentary evidence in evidence for the defendants and marked the same as exhibits. This Court has not been persuaded to hold that the impugned order would prejudice the case of the petitioner and the discretion exercised by the court is arbitrary or without jurisdiction. In this backdrop, this Court is not inclined to invoke the jurisdiction under Article 227 of the Constitution of India for interdicting the



impugned order.

The application is, accordingly, dismissed.

The petitioner shall be at liberty to raise appropriate objections in accordance with law under Section 105 C.P.C. if such occasion arises.

Devendra/-

(V. Nath, J)

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