

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.5498 of 2011

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Arjun Rai @ Arjun Singh, Son of Late Bahadur Rai, Resident of Mauza- Mainpura (Patna), P.S.-Patliputra, (Digha) District-Patna and presently resident of Keora Tola Teliyayeen Par P.S.-Poonpooon District-Patna.

.... Petitioner

Versus

1. The State of Bihar through Law Secretary, Bihar at Patna.
2. Mostt. Nagina Devi Wife of Late Kapil Rai, Resident of Mauza- Mainpura (Patna), P.S.-Patliputra, District-Patna and presently resident of Keora Tola Teliyayeen Par P.S.-Poonpooon District-Patna.
3. Mostt. Meena Devi Wife of Late Pyare Rai.
4. Arbind Kumar.
5. Rabindra Kumar.
6. Tuntun Kumar.
7. Ram Pravesh Kumar.

All from 3 to 7 are sons of Late Pyare Rai and resident of Mauza- Mainpura (Patna), P.S.-Patliputra, (Digha) District-Patna and presently resident of Keora Tola Teliyayeen Par P.S.-Poonpooon District-Patna.

8. Brahmdeo Rai, Son of Rucha Rai, Resident of Village-Teliyan Par, P.S.-Poonpooon District-Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. BHARTI KUMARI PANDEY

For the Respondent/s : Mr. MADHURESH PRASAD GP12

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 20-02-2017

The learned counsel for the petitioner has prayed
to delete the name of respondent no.1-State of Bihar.

The prayer is allowed and the name of respondent
no.1-State of Bihar is deleted.

Heard the learned counsel for the petitioner.

The defendant is the petitioner in this application
and is aggrieved by impugned order whereby the learned court below
has refused the prayer of the petitioner to adduce certified copy of the



deed of exchange in evidence by making it as exhibit.

After considering the submissions and perusal of the impugned judgment, it is manifest that the defendant-petitioner filed the petition earlier also with the same prayer for getting the deed of exchange admitted in evidence but by order dated 30.07.2010 the said prayer was refused. The petitioner thereafter again filed another petition with the same prayer. It is also apparent that the prayer of the defendant-petitioner for adducing the said deed of exchange was made at the stage when the suit was posted for judgment. The learned court below has refused the prayer of the plaintiff for adducing the said document in evidence.

After considering the submissions and in the backdrop of aforesaid facts, this court therefore is not inclined to invoke the jurisdiction under Article 227 of the Constitution of India.

Consequently, this application is dismissed.

However, the dismissal of this application will not prejudice the rights of the petitioner which may be available under Section 105 C.P.C.

(V. Nath, J)

Nitesh/-

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