

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.1947 of 2013

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1. Ram Bilas Chaudhary.
 2. Naresh Chaudhary both Sons Of Sheo Nath Chaudhary Resident Of Village - Pipra, P.O. - Keshav Nagar, P.S. - Chautham, District – Khagaria.

.... Petitioner/s

Versus

1. Ram Chandra Rai Son Of Late Banarasi Rai Resident Of Village - Sadipur Diyara, P.O. - Gohkula Nagar, P.S. - Ballia District – Begusarai.
2. Krishna Devi Wife of Durgi Mahto.
3. Anik Mahto Son of Late Gajo Mahto both Resident of Village - Pipra, P.O. - Keshav Nagar, P.S. - Chautham, District – Khagaria.
4. Smt. Meera Devi Wife of Dilip Mahto Resident of Village - Mathurapur, P.S. & District – Khagaria.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Akhileshwar Pandey, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 30-01-2017

Heard Mr. Dronacharya, learned counsel appearing on behalf of the petitioners and Mr. Kundan Bahadur Singh, learned counsel appearing on behalf of the plaintiff-respondent.

The present application under Article 227 of the Constitution of India has been filed questioning the legal sustainability of the impugned order by which the learned court below has refused to take into evidence the documents filed on behalf of the petitioners, on the ground that those documents were filed belatedly and at the stage of the argument.



Mr. Dronacharya, learned counsel for the petitioners has pointed out that the four documents sought to be brought on record as evidence on behalf of the defendant-respondents were already filed on 22.09.1997 even before the closure of the evidence of the plaintiff. It has been, however, contended that due to mistake of the learned counsel for the petitioners those documents could not be marked as exhibits in the proceeding.

At this juncture, it is noted that a categorical stand has been taken by Mr. Dronacharya, learned counsel for the petitioners that no other evidence would be led/ adduced on behalf of the petitioners in the suit and the argument on behalf of the defendants would be completed within the time frame fixed by this Court.

Mr. Singh, learned counsel for the plaintiff-respondent no. 1 has submitted that though inordinate delay has been caused on behalf of the petitioners and documents sought to be introduced in evidence are also irrelevant for the purpose of the determination of the main issue in the suit but no objection is being raised by the respondent no. 1 in view of the stand on behalf of the petitioners that no other evidence would be led/adduced in the suit and the argument on behalf of the defendant-petitioners would be completed within the time as fixed by this Court.

In view of the aforesaid stand on behalf of the parties, this



Court finds just and proper to allow the prayer on behalf of the petitioners to get only the four documents as mentioned in the petition dated 31.07.2012 (Annexure-1) marked as exhibits in the suit. Accordingly, the present application is allowed and the impugned order is set aside. It is further directed that the defendant-petitioners would not be allowed to lead any further evidence and must conclude the argument in the suit on their behalf within a period of three months from the date of receipt/production of a copy of this order. The learned court below is also directed to expeditiously dispose of the proceeding/suit preferably within a period of six months from the date of receipt/production of this order avoiding to grant unnecessary adjournments to the parties.

(V. Nath, J)

Devendra/-

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