

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.863 of 2016**

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1. Ramanuj Rai S/o Late Punit Rai  
2. Harbans Rai S/o Late Biltu Rai Both are resident of Village- Shiv  
Kumarpur, P.S.- Raghapur, District- Vaishali, at present Mohalla- Jhauganj,  
P.S.- Chowk, Patna City, District- Patna .... Petitioners

Versus

1. Ram Nath Rai S/o Late Baldeo Rai resident of Village- Tarasia, P.S.-  
Raghapur, District- Vaishali at present residing at Mohalla- Jhauganj, P.S.-  
Chowk, Patna City, District- Patna.  
2. Bahadur Ram  
3. Rameshwar Ram Both sons of Late Bhagwat Ram resident of Mohalla-  
Jhauganj Ram Bagh, P.S.- Chowk, Patna City, District- Patna.  
4. Sushila Devi W/o Radha Raman Vanshal, 438, Manpada, Agra, U.P.  
.... Respondents

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**Appearance :**

For the Petitioners : Mr. Lakmesh Marvind, Adv.  
For the Respondents : Mr. P.C. Agarwal, Adv.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR  
JHA  
ORAL ORDER**

3      04-12-2017                      Heard both sides.

The petitioners have filed this civil miscellaneous petition against the order, dated 19.05.2016/27.04.2016 by which the learned Munsif, Patna City, Patna, dismissed the petition of the petitioners for accepting the certified copy of the sale deed, dated 02.04.1981.

The learned counsel for the petitioners submits that the petitioners-plaintiffs filed suit for declaration of title and recovery of possession on the basis of the sale deed, dated 02.04.1981. The petitioners were examined, but, the sale deed, dated 02.04.1981, could not have been brought on record as the same was missing or stolen away. The petitioners filed the certified copy, of course, at a very belated stage, but, before start of the argument of the suit.

If the petitioners are not allowed to bring the sale deed on record, which is the basis of the suit, the petitioners will suffer irreparable loss and it will cause immense injustice to the petitioners.

The learned counsel for the respondents, on the other



side, submitted that after fifteen years, the plaintiffs filed the petition to bring the sale deed on record and exhibit the same as evidence.

It appears of course that the petitioners-plaintiffs filed the petition at a very belated stage, i.e., only on 03.02.2016 although both the petitioners were examined on 19.08.2002 and 10.09.2002 and they in their evidences stated that the sale deed, dated 02.04.1981, was missing or stolen away from their possession, but, it appears that the aforesaid sale deed is the basis of the claim of the petitioners and if the petitioners are not allowed to bring the sale deed and to exhibit the same in accordance with law, the petitioners-plaintiffs would suffer irreparable loss and it will cause immense injustice.

Thus, I find that the learned Munsif has committed jurisdictional error in rejecting the prayer of the petitioners. Accordingly, the same is allowed. The petitioners-plaintiffs are allowed to bring the sale deed on record and to get it exhibited in accordance with law subject to payment of costs of Rs.10,000/- in the Court below, which will be paid to the defendants.

Accordingly, this civil miscellaneous petition is **allowed**.

**(Prabhat Kumar Jha, J)**

SA/-

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