

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.156 of 2016

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1. Md. Chand S/o Late Iltaf Hussain, Resident of Vilage- Julfazal Road
Buxar, Post- Buxar, P.S.- Toen, District- Buxar petitioner

Versus

1. Md. Mokhtar S/o Late Khalil Miyan
2. Nasima Khatoon D/o Md. Mokhtar Both R/o Village- Tukardhiya, P.S.-
Buxar Mufassil, Post- Buxar, District- Buxar.
3. Md Nasruddin Kuraishi
4. Md Iqbal Kuraishi
5. Md. Ainuddin Kuraishi
6. Md Munna Kuraishi
7. Md Munai Kuraishi All 3 to 7 sons of Late Gani Kuraishi and resident of
Village Gazipur (Town Hall), P.S.- Gazipur (Kotwali) District- Gajipur
(U.P.)
8. Md Ekram
9. Ali Asgar
10. Sagir Ahmad All 8 to 10 sons of Late Abdul Qayum and resident of
Village- Julfazal Road, Buxar, Post- Buxar, P.S.- Buxar Town, District-
Buxar.
11. Md. Meraj
12. Md. Seraj
13. Md. Salim @ Mantu
14. Md. Eklakh
15. Meena
16. Bhuwari All 11 to 16 sons and Daughter of Late Iltaf Hussain, resident
of Village- Julfazal Road, Buxar, Post- Buxar, P.S.- Buxar Town, District-
Buxar Respondents

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Appearance :

For the Petitioner : Mr. Ashwini Kumar Rai, Adv.

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

4 28-11-2017

Heard both sides.

The petitioner filed this petition for quashing the order, dated 29.02.2016, passed by Sub Judge, I, Buxar, whereby the learned Sub Judge rejected the petition of the petitioner-appellant to mark a public document, judgment and decree of a Court between the parties.

The learned counsel for the petitioner submitted that admittedly the document is a public document, but, his petition



was rejected on the ground that the evidence of the petitioner has already been closed and petitioner did not file petition for allowing him to examine further evidence.

On the other hand, the learned counsel for the respondents submits that the order does not require any interference.

I find that the learned Sub Judge, I, Buxar, while rejecting the petition of the petitioner to mark a public document as exhibits has committed jurisdictional error. The document is admitted one and in the aforesaid judgment plaintiff and defendant were party.

Accordingly, the order, dated 29.02.2016, is set aside. The learned Sub Judge, I, Buxar, is directed to pass order on the petition of the plaintiff and get the documents marked in accordance with law.

(Prabhat Kumar Jha, J)

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