

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.83 of 2016

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1. Rajendra Tanti S/O Sant Lal Tanti
2. Chamak Lal Tanti S/O Sant Lal Tanti
3. Mahesh Tanti S/o Sant Lal Tanti
4. Fudo Devi W/o Subhash Tanti Petitioner no. 1 to 3 resident of village Pakki Sarai, P.S.- Kahalgaon, District- Bhagalpur. Petitioner no. 4 resident of village- Khankitta, P.S.- Sabour, District- Bhagalpur

.... Petitioners

Versus

1. The State of Bihar through Collector, Bhagalpur
2. Prasadi Tanti S/O Late Karu Tanti
3. Barun Tanti
4. Sutha Tanti Both sons of Prasadi Tanti All resident of village Pakri Sarai, P.S. Kahalgaon, District- Bhagalpur

.... Respondents

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Appearance :

For the Appellant/s : Mr. Davendra Kumar Pandey

For the Respondent/s : Mr. SMT. GEETA KUMARI- GP28

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 18-04-2017

Heard the learned counsel for the petitioners.

No body has appeared on behalf of the respondents.

Earlier by order dated 03.08.2016, the notice was issued to the respondents while passing the order for stay of the further proceeding of the suit.

By the impugned order, the learned court below has refused to allow the prayer of the plaintiff-petitioner for adducing the old and new map as evidence in the suit. The reason assigned in the impugned order is that there has been considerable delay on the



part of the plaintiff-petitioners in producing the said document. There is no other reason in the impugned order, justifying the rejection of the prayer of the plaintiff-petitioners.

The learned counsel for the petitioners has submitted that the old and new map containing the suit plots are necessary for complete and effectual adjudication of the issues arising in the suit.

No body has appeared on behalf of the respondents to show that the said two maps sought to be adduced in evidence by the plaintiffs are not relevant.

After considering the facts and circumstances of the case including the impugned order, this application is allowed and the impugned order is quashed. The prayer as made by the plaintiff-petitioners in their petition dated 11.09.2015 for adducing the new and old map as evidence in the suit is allowed. In view of the fact that the suit has been posted for argument, the plaintiff-petitioners would not be allowed to lead any further evidence. The learned court below is directed to proceed expeditiously with the suit.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.05.2017
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