

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.265 of 2017**

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Suwash Chandra Sah

.... Petitioner/s

Versus

Bimal Kumar Sah @ Bimal Sah

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 16-02-2017

Heard the learned counsel for the petitioner.

Perused the impugned order dated 05.01.2017 passed by A.D.J. I, Naugachia, Bhagalpur in Title Appeal No.85 of 2014.

From perusal of the impugned order, it appears that the court below found that the appellant is trying to prove the fact that the name of the petitioner is Subhash and not Suwash and in fact, this petitioner has executed the agreement to sale. Therefore, the document which is sought to be adduced as additional evidence is necessary for just decision of the controversy between the parties. The court below, therefore, exercised the discretionary jurisdiction under Order 41 Rule 27 C.P.C.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous application is dismissed.

Saurabh/-

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(Mungeshwar Sahoo, J)

