

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5883 of 2014

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Manju Devi Wife of Late Indradeo Singh, Resident of Village- Sonpura,
P.S- Bakhtiyarpur, District- Saharsa.

.... Petitioner

Versus

1. Sri Sharda Prasad Singh S/O Late Ghutar Prasad Singh, Resident of Village- Sonpura, P.S- Simri, Bakhtiyarpur, District- Saharsa.
2. Jaleshwar Yadav S/O Late Rameshwar Yadav, Resident of Village Sahugaon, P.S- Salkhua, District- Saharsa.
3. Sri Amir Prasad Singh S/O Late Ghutar Singh, Resident of Village- Sonoura, P.S- Bakhtiyarpur, District- Saharsa.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate
For the Respondent/s : Mr. Surendra Prasad Singh, Advocate
Mr. Satyendra Narayan Verma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

6 25-01-2018 This writ application has been filed for setting aside the order dated 05.02.2014 passed by learned Subordinate Judge-III, Saharsa in Title Suit No.213 of 2007 whereby and whereunder the court below refused to accept the documents filed on behalf of the petitioner.

2. Heard learned counsel for the petitioner as well as the respondents.

3. The respondent has filed the aforesaid title suit for declaration of his right and title. After closure of evidence of both the parties, this petitioner filed a petition to re-open the case and admit two documents as exhibits. These documents are certified



copy of Khatiyani standing in the name of Anandi Singh, Amir Singh and Sharda Singh and certified copy of sale deed no.7876 dated 24.06.2005 executed by Amir Prasad Singh and others in favour of Kari Mehta. The court below refused the prayer of petitioner to re-open the case as the defendant (petitioner) did not produce her evidence/documents within the time frame given by the learned court below.

4. It has been submitted that the petitioner is *pardanasi* illiterate lady and on account of illness the petition for time was filed for producing the documents. Out of the aforesaid two documents, one is certified copy of Khatiyani which is public document and another document is sale deed which was executed by one of the recorded tenant.

5. The contention of learned counsel for the respondents is that the petitioner is in habit of taking time and in order to prolong the disposal of the suit, she has filed the present application.

6. Be that as it may. The petitioner wants to get the two documents exhibited and examined herself as witness in support of her case. So for the ends of justice, the impugned order refusing to accept the document of the petitioner is set aside. This writ application is allowed subject to payment of cost of Rs.3,000/- to



the respondent (plaintiff) before the court below. The court below is directed to give an opportunity to the defendant to produce her evidence.

Harish/-

(Sanjay Kumar, J)

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