

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.726 of 2017

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Madarsa Khairiya Nijamiya, Situated at Mohalla - Baradari, P.S. Sasaram, P.O. Sasaram, District - Rohtas, through Mahtamim Malikuz Zafar, S/o Late Mohammad Mian Kamil, R/o Mohalla - Jakki Shaheed, P.S. & P.O. Sasaram, District - Rohtas

.... Petitioner

Versus

1. Anwar Khan,
2. Most. Halimunnisa Both Son & Daughter of Late Sher Mir Khan, Bot Resident of Mohalla - Dalelganj, Sasaram, P.O. & P.S. Sasaram, District - Rohtas
3. Most. Tahera Bibi, W/o Late Sattar Khan,
4. Parwej Khan,
5. Firoj Khan,
6. Aftab Khan, Sons of Late Sattar Khan,
7. Narima Khatoon,
8. Khurshida Khatoon,
9. Isarat Jahan,
10. Karkesha Tawasum, Daughters of Late Sattar Khan,
11. Imran Khan Minor,
12. Anjum Ara Minor,
13. Nasrat Jahan Minor, Through Most. Tahera Bib Mother
14. Ashif Khan,
15. Shamim Khan,
16. Afroj Khan, Sons of Late Md. Israr Khan,
17. Firdausi Khan,
18. Sadrudoja Khan,
19. Ahtesam Ali Khan, Sons of Late Badrunnisa, All resident of Mohalla - Dalelganj, Sasaram, P.O. & P.S. Sasaram, District - Rohtas

.... Respondents

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Appearance :

For the Appellant/s : Mr. Sushant Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 26-03-2018

Heard learned counsel for the petitioner.

The petitioner has filed this Civil Miscellaneous petition to set aside the order dated 17.06.2016, passed in Title Appeal No.18/1972, by which the learned Additional District Judge-VII, Rohtas at Sasaram has rejected the petition



of the appellant/petitioner to allow him to adduce additional evidence and admit the document i.e. Vasika Bainama No.9162 dated 27.09.1964.

Learned counsel for the petitioner submits that the petitioner has become the head of the charitable trust in the year 2016 and he had no knowledge about the document. The document was registered in the year 1964 but it appears that the document is with regard to plot no. 1032 and the plot in dispute is 1031, situated at western side of plot no.1032. The document is not at all related with Plot No.1031. The document has got no relevancy. Order 41 Rule 27 of the Code of Civil Procedure clearly mandates that the party who intends to produce additional evidence has to prove the relevancy of the document but learned counsel for the petitioner has not been able to show any fact as to how the document proposed to be kept on record, as additional evidence, is related with the plot in dispute.

Therefore, I do not find any merit in this Civil Miscellaneous petition.

Accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.03.2018
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