

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.961 of 2017**

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1. Md. Israil,
2. Md. Quddus, Both sons of Late SK. Siddique, resident of Village
Dumariya, P.S. Narpatganj, District- Araria.

.... Petitioner/s

Versus

1. Sk. Shamshad Ali, Son of S.K. Jamil, resident of Village- Dumariya,
P.S. Narpatganj, District- Araria.
2. The State of Bihar through the Collector, Araria.
3. Head Master, Prathmik Vidyalaya Dumariya, P.S. Narpatganj, District-
Araria.
4. Secretary Prathmik Vidyalaya, Dumariya, P.S. Narpatganj, District-
Araria.
5. Most. Bibi Rahila Khatoon, W/o late Md. Jamil
6. SK. Imtiaz,
7. SK. Aslam
8. SK. Zubair,
9. Sk. Salim,
10. Sk. Sarfraz, All sons of Late SK. Jamil, All resident of Village-
Dumariya, P.S. Narpatganj, District- Araria.
11. Bibi Sarbaroon, D/o Late SK. Jamil, W/o SK. Qasim, Resident of
Village- Chaura Perwaha, P.S.- Forbesganj, District- Araria.
12. Bibi Nuresha Khatoon, D/o Late SK. Jamil W/o SK. Tauhid, R/o
Village- Rampur, P.S. Forbesganj, District- Araria.
13. SK. Jabbar, S/o Latifur Rahman,
14. SK. Yarif, S/O SK. Jabbar, minor represented through his father, the
natural guardian and next friend, Both resident of Village- Dumariya, P.S.
Narpatganj, District- Araria.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shabbir Ahmad

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 30-04-2018

Heard learned counsel for the petitioners.

The petitioners filed this civil miscellaneous petition
against the order dated 05.01.2017 passed in Title Suit No.273 of
2008 by Munsif, Araria.

Petitioner is the defendant. The plaintiff filed
document of school transfer certificate of Middle School Khabdah



Dumariya and the same document was admitted on 27.05.2013 as Ext.5 without any objection on behalf of the defendant. The defendant examined all the witnesses and when the suit was fixed for argument, the defendant-petitioner filed petition on 30.11.2016 that the original record of Middle School Khabdah Dumariya be called for in order to testify the genuineness of the school transfer certificate and the same has been dismissed on the ground that the petitioner never raised any objection about the genuineness of the certificate at the time of admission of the document in evidence as Ext.5.

The learned counsel for the petitioner submits that of course the petitioners did not raise any objection but the genuineness of the document is under cloud.

I do not find any reason to interfere with the order as the petitioner-defendant did not raise any objection when the document was being admitted in evidence rather the document was admitted on admission of the defendant also. This civil miscellaneous petition is devoid of any merit and thus, it is dismissed.

Saurabh/-

(Prabhat Kumar Jha, J)

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