

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18819 of 2014

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Mahanth Benkta Charya, Chela Late Mahanth Chaturbhuja Charya, resident of village- Ahirauli Math, P.S.- Buxar, District- Buxar

.... Petitioner/s

Versus

Kamla Singh, Son of Late Chandrajeet Singh, Resident of Village- Karhari, Pargana Chousa, P.S- Buxar, District- Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate

For the Respondent/s : Mr. Ram Naresh Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 10-05-2018

The defendant of Title Suit No.76 of 2002 pending in the Court of Sub Judge-V, Buxar has prayed to quash the order dated 09.05.2014 whereunder the registered deed of appointment dated 04.06.1973 has been marked on behalf of the plaintiff.

2. Heard learned counsel for the petitioner and the respondent.

3. It appears that the respondent/plaintiff has filed the aforesaid suit against the defendant. After filing of written statement by the petitioner, the trial proceeded. The copy of deed of appointment dated 04.06.1973 filed by the petitioner was marked as Ext-E. The plaintiff after obtaining certified copy of said deed of gift filed a petition to mark the said document also on his behalf as exhibit. The learned court below while allowing the petition of



plaintiff has observed that the said document is very basis of the suit.

4. The contention of learned counsel for the petitioner is that the said document cannot be marked twice as the same is already on record which has been marked on behalf of the petitioner as Ext-E.

5. Be that as it may. The document in question has been relied by the petitioner/defendant also and the said document has been marked as Ext-E. The plaintiff has based his case on the said document and on filing certified copy, the same has been ordered to be marked as exhibit. The court below has marked the said document on behalf of the plaintiff/respondent also because it was/is the basis of his suit. I find that marking of said document for plaintiff/respondent does not prejudice the petitioner in any way as the defendant also got the same exhibited.

6. In view of above discussions, I find that this application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

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CAV DATE	
Uploading Date	
Transmission Date	

