

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1289 of 2016**

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Ramdeo Singh Yadav, son of Late Govind Yadav, Resident of village-
Khoja Bazar, Police Station-Kashim Bazar, District-Munger

.... Petitioner/s

Versus

Sanjeev Tiwari son of Late Sukhdeo Tiwari, Resident of Mohalla-Bara
Bazar, Police Station-Kotwali, District-Munger

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anamul Haque

For the Respondent/s : Mr.

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

3 21-03-2018 Heard both sides.

The petitioner has filed this civil miscellaneous petition against the order dated 01.09.2016 in Eviction Suit No.3 of 2006, C.I.S. (Eviction) Case No.117 of 2013 by which the petition of the plaintiff-petitioner to mark the original sale deed dated 25.09.2001 in evidence has been rejected.

From perusal of the order itself, it appears that the plaintiff pleaded that he purchased the suit property by registered sale deed dated 25.09.2001. The plaintiff filed sale deed on 14.02.2011 in order to bring the same in evidence but due to inadvertence the sale deed was not marked in evidence in accordance with law and for that the plaintiff filed the petition.

Learned counsel for the respondent submits that the plaintiff was given sufficient opportunity to adduce his evidence



but he could not get the sale deed marked in evidence although he filed the sale deed dated 25.09.2001.

It appears that the case of the plaintiff is based on the basis of the sale deed executed in favour of the plaintiff on 25.09.2001 but on account of some laches on the part of the plaintiff, he could not get the sale deed exhibited in evidence. If the same is not allowed to be exhibited, the plaintiff shall suffer irreparable loss and that shall occasion injustice.

Considering the facts aforesaid, I find that the learned Civil Judge(J.D.) II, Munger has committed jurisdictional error by rejecting the petition of the plaintiff. Accordingly, the order dated 01.09.2016 is set aside. The civil miscellaneous petition is allowed subject to the condition on payment of cost of Rs.1,000/-.

(Prabhat Kumar Jha, J)

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