

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.346 of 2018

1. Most. Suraj Mukhi Devi @ Suryamukhi Devi, Wife of Late Madhusudan Chaubey,
2. Ashiwini Kumar Chaubey, Son of Late Madhusudan Chaubey, Both are residents of Village- Inarbarwa, P.O.- Jogia, Police Station- Ramnagar, District- West Champaran.
3. Most. Manorama Devi @ Manorama Devi, Wife of Late Jai Pratap Chaubey, Resident of Village- Bijwania, P.O.+Police Station- Shikarpur, District- West Champaran.
4. Munni Devi, Wife of Anil Tiwari, Resident of Village- Bagahi Tiwari Tola, P.O.+Police Station- Bagaha, District- West Champaran.
5. Kiran Devi, Wife of Suresh Tiwari, Resident of Village- Sonkhar, P.O.+Police Station- Ramnagar, District- West Champaran.
6. Rekha Devi, Wife of Devendra Pandey, Resident of Village- Mohura, P.O.- Mohura, Police Station- Bagaha, District- West Champaran.
7. Sujita Devi, Wife of Santosh Tiwary, Resident of Village- Pakargaon, P.O.- Khairpokhra, Police Station- Bagaha, District- West Champaran.
8. Antima Devi, Wife of Pintu Tiwari, Resident of Village- Tiwari Tola Babahari, P.O.+Police Station- Bagaha, District- West Champaran.
9. Harshvardhan Chaubey, Son of Awadh Chaubey,
10. Om Prakash Chaubey @ Pappu Chaubey, Son of Ramkrit Chaubey, 9 and 10 are residents of Village- Inarbarwa, P.O.- Jogia, Police Station- Ramnagar, District- West Champaran.

... .. Petitioner/s

Versus

Krishna Kant Rai, Son of Late Laloo Rai, resident of Village- Inarbarwa, P.O.- Jogia, Police Station- Ramnagar, District- West Champaran.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Brij Kishor Mishra
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 27-11-2018

Heard Mr. Bashisth Narayan Mishra, learned counsel
for the petitioners.

Petitioners are the defendants. The plaintiff filed the



suit for declaration of title and recovery of possession that the defendants have encroached upon the land mentioned in Schedule II of the plaint. When the suit was pending for hearing the argument, the petitioners filed petition for calling for a Nazri Naksha of the land in question from Circle Office, Ramnagar and the same petition was dismissed by learned Munsif, Bagaha on the ground that the plaintiff cannot be compelled to produce any documents and if the plaintiff does not produce any document, it is for the plaintiff to prove his own case. At the instance of the defendants, the documents cannot be called for as evidence.

I find no jurisdictional error or illegality in the order as the plaintiff has to prove his own case and if the plaintiff did not produce any documents, the same cannot be called for at the instance of the defendants. Accordingly, this civil miscellaneous petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

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