

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1269 of 2018

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Mahadeo Yadav & Ors

.... Appellant/s

Versus

Domani Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Paras Nath

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

2 29-10-2018

Heard the learned counsel for the petitioners.

The petitioners/ appellants have filed this Civil Misc. petition against the order dated 26.06.2018 passed by the learned Additional District Judge, Madhepura in Title Appeal No. 14 of 2008 by which petition of the appellants filed under Order 41 Rule 27 of the Code of Civil Procedure for bringing on record affidavit No. 17191 dated 11.10.2014 and the sale deed No. 5767 dated 14.10.2014 as additional evidence has been rejected.

The learned counsel for the petitioners submits that Kalawati Devi, wife of Satyanarayan Sah and daughter of Late Asharfi Sah, has rightly executed the sale deed in favour of Mahadev Yadav and others with regard to the entire suit land. The aforesaid documents could not be brought on record earlier and, therefore, the appellants wanted to bring on record the same as evidence but the learned court below has illegally rejected the



petition.

It appears that the sale deed executed by Kalawati Devi and the affidavit sworn by Kalawati Devi have got no relevancy in deciding Title Appeal No. 14 of 2008. Three conditions are prescribed under Order 41 Rule 27 of the Code of Civil Procedure but none of the conditions is fulfilled. The petitioners could not be able to show relevancy of the documents in order to decide the issue in Title Appeal No. 14 of 2008. Therefore, I find that the learned Additional District Judge has rightly dismissed the petition of the petitioners for bringing additional evidence, i.e., the affidavit and sale deed executed by Kalawati Devi in the year 2014. Accordingly, I do not find any merit in this Civil Misc. petition and the same is dismissed.

(Prabhat Kumar Jha, J)

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