

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.19509 of 2014

=====

1. Mansoor Alam

2. Mehboob Alam

3. Ajub Alam

All sons of Late Bhulan Miyan, resident of village - Kathia Mathia, Tappa Balas,
Pargana - Majhewa, P.S. - Kangali, Anchal - Sikta, Distt - West Champaran.

.... Petitioners

Versus

1. Alirosh Miyan S/o Late Furd Miyan, resident of village - Kathia Mathia, Tappa
Balas, Pargana - Majhewa, P.S. - Kangali, Anchal - Sikta, Distt - West Champaran.

2. Maina Khatoon

3. Shaila Khatoon

Both D/o Late Bhulan Miyan, resident of village - Kathia Mathia, Tappa Balas,
Pargana - Majhewa, P.S. - Kangali, Anchal - Sikta, Distt - West Champaran.

.... Respondents

=====

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary, Advocate

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 19-06-2018

Heard learned counsel for the petitioners.

2. This writ application has been filed for quashing the
order dated 19.07.2014 passed by Additional Munsif VIII, Bettiah
(West Champaran) in Title Suit No.47 of 2000.

3. It appears that the petitioners filed the aforesaid suit for
declaration of their title over the suit land. The plaintiffs at paragraph
6 of the plaint have pleaded that they purchased the land for a
valuable consideration from Chandrakali Devi and Bipti by virtue of
registered sale deed no.10696 dated 02.07.1990 and after paying



entire consideration amount they came in possession over the same. The court below as per the impugned order has observed that if the said document is not produced by the petitioners, an adverse inference would be drawn against the plaintiffs. The said observation is presumption of law. The plaintiffs are bound to produce the document in support of their case. In course of hearing, the learned counsel failed to explain the reason for not submitting the said document in court. The observation of court below relates to presumption of adverse inference against the parties, if the document is not filed by them.

4. In view of above discussions I do not find any merit in this application and the same is accordingly dismissed.

(Sanjay Kumar, J)

Harish/-

AFR/NAFR	
CAV DATE	
Uploading Date	22.06.2018
Transmission Date	

