

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.678 of 2014

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Shambhu Narayan Rai son of Manrajan Rai, resident of village-Kanehri, PS-
Rajpur, District-Buxar.

... .. Petitioner/s

Versus

Tej Narayan Rai & Ors

... .. Respondent/s

=====

with

Civil Writ Jurisdiction Case No. 4280 of 2014

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Tej Narayan Rai son of Brahmdeo Rai (natural father Manrakhan Rai),
resident of village- Kanehri, P.S.- Rajpur, District Buxar

... .. Petitioner/s

Versus

Shambhoo Narain Rai & Ors

... .. Respondent/s

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Appearance :

(In Civil Writ Jurisdiction Case No. 678 of 2014)

For the Petitioner/s : Mr. Ashwini Kumar Rai

For the Respondent/s :

(In Civil Writ Jurisdiction Case No. 4280 of 2014)

For the Petitioner/s : Mr. Raj Kishore Prasad

For the Respondent/s : Mr. Ashwini Kumar Rai

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date : 28-11-2018

These two writ applications have been filed for quashing
the order dated 27.09.2013 passed by Sub-Judge V, Buxar in
Title Suit No. 49 of 2000. The learned court below as per
impugned order rejected the petition filed by both the parties
and fixed the suit for argument.

2. Heard learned counsels for the petitioner and the
respondents.

3. Petitioner of C.W.J.C. No. 678 of 2014 is plaintiff and



petitioner of C.W.J.C. No. 4280 of 2014 is defendant in the aforesaid suit.

4. The learned counsel for the petitioner of C.W.J.C. No.678 of 2014 has submitted that the suit has been filed for declaration of deed of adoption as forged and fabricated. In course of trial, the petitioner obtained information from the Headmaster of high school under Right to Information Act. The said document was not within the knowledge of plaintiff and so he filed a petition to reopen his case for adducing evidence for getting the said document exhibited.

5. The learned counsel for the petitioner of C.W.J.C. No.4280 of 2014 has submitted that on the date fixed for evidence of defendants, a time petition was filed, but as nobody appeared to press the time petition and so the evidence was closed. Defendants have examined only few witnesses and they are formal in nature. The defendant of the suit has also not been examined and so he has seriously been prejudiced.

6. On going through the documents on record, I find that in order to prove the case, the petitioner-plaintiff filed some document which was obtained from the school under Right to Information Act. The document appears essential for appreciating the facts involved in the suit. The evidence of



defendants also appears necessary in order to bring on record some oral and documentary evidence of the defendants.

7. In view of above discussions and for the ends of justice, the impugned order refusing to reopen the case as per impugned order dated 27.09.2013 is set aside and both the writ application are allowed with a direction to the court below to give an opportunity to both sides to adduce evidence.

(Sanjay Kumar, J)

mkchy/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	30.11.2018
Transmission Date	N/A

