

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21879 of 2013

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1. The Cantonment Board Through The Chief Executive Officer, Danapur Cantonment, P.S- Danapur, District- Patna.
 2. The Chief Executive Officer, Danapur Cantonment, P.S- Danapur, District- Patna.

.... Petitioners

Versus

Amarnath Gupta S/O Late Ram Prasad Sao Resident Of Mohalla- Bihari Lane, Sadar Bazar, P.S- Danapur, District- Patna.

.... Respondent

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Appearance :

For the Petitioners : Mr. Amrendra Nath Verma, Advocate

For the Respondent : Ms. Rina Kumari, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

3 09-02-2018 This application has been filed to set aside the order dated 01.06.2013 passed by learned Additional District Judge-Vth, Danapur in Title Appeal No.131 of 2006 whereby and whereunder the learned appellate court allowed the petition filed on behalf of the appellant under Order 41 Rule 27 CPC and accepted the documents.

2. Heard learned counsel for the petitioners as well as the respondent.

3. It appears that the respondent no.1 filed a Title Suit No.63 of 1989 on the file of Munsif, Danapur for declaration that the notice under Section 256 of Cantonment Act issued against the plaintiff as illegal void and not binding on the plaintiff. The suit



after trial was dismissed. Against the said order, the plaintiff filed appeal bearing Title Appeal No.131 of 2006. The appellant filed the impugned notice before the court below and prayed to accept the same under Order 41 Rule 27 of the CPC. It has been submitted that the genuineness of said notice is not in dispute and the same was issued by the present petitioner and is also the subject matter of the suit. The petitioners were aware of the said notice which is a public documents. The learned counsel for the petitioners raised only objection that after three decades of filing of suit, the present document has been filed. The court below while accepting the said document has observed that the said document is admittedly a public document and the same is necessary for adjudicating the dispute properly.

4. In view of above discussions, I find that the court below has not committed any jurisdictional error in allowing the petition filed under Order 41 Rule 27 of the CPC.

5. This application is dismissed.

(Sanjay Kumar, J)

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