

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.811 of 2019**

1. Upendra Thakur, Son of late Dahaur Thaur, Resident of Village- Majghaulia, P.O.- Jhapaha, P.S.-Ahiyapur, District- Muzaffarpur.
2. Nand Kishore Thakur, Son of late Domi Thakur, Resident of Village- Majghaulia, P.O.-Jhapaha, P.S. -Ahiyapur, District- Muzaffarpur.

... .. Defendants / Petitioners

Versus

1. Most. Lalpari Devi W/o late Ramavtar Thakur, Resident of Village- Majghaulia, P.O.-Jhapaha, P.S.- Ahiyapur, District- Muzaffarpur.
2. Nathuni Thakur, Son of late Ramavtar Thakur, Resident of Village- Majghaulia, P.O.-Jhapaha, P.S.-Ahiyapur, District- Muzaffarpur.
3. Ful Kumari, D/o late Ramavtar Thakur, Resident of Village- Majghaulia, P.O. Jhapaha, P.S.-Ahiyapur, District- Muzaffarpur.
4. Bindeshwar Thakur, S/o late Dular Thakur, Resident of Village- Majghaulia, P.O.-Jhapaha, P.S.-Ahiyapur, District- Muzaffarpur.

... .. Plaintiffs / Respondents 1st set.

5. Rajendra Thakur, Son of late Domi Thakur, Resident of Village- Majghaulia, P.O.- Jhapaha, P.S.-Ahiyapur, District- Muzaffarpur.
6. Bulaki Thakur, Son of late Domi Thakur, Resident of Village- Majghaulia, P.O. -Jhapaha, P.S.- Ahiyapur, District- Muzaffarpur.
7. Smt. Panmati Devi, D/o late Domi Thakur, Resident of Village- Majghaulia, P.O. -Jhapaha, P.S.-Ahiyapur, District- Muzaffarpur.
8. Smt. Tetri Devi, D/o late Domi Thakur, Resident of Village-Majghaulia, P.O. Jhapaha, P.S.-Ahiyapur, District- Muzaffarpur.

... ..Defendants / Respondents 2nd set

Appearance :

For the Petitioners	:	Mr. Ranjan Kumar Dubey, Advocate
For the Respondents	:	Mr.

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT**

Date : 23-08-2019

Heard learned counsel for the petitioners.



2. This application under Article 227 of the Constitution of India has been filed by the petitioners challenging the order dated 10.04.2019 passed by the learned Execution Munsif, Muzaffarpur in Title Suit No. 23 of 1997 by which he has rejected the petition dated 07.03.2019 as filed on behalf of the defendants/petitioners with a prayer to take certain documents as evidence.

3. Learned counsel for the petitioners submitted that the learned Execution Munsif failed to appreciate the facts and law involved in the case. All the documents produced by the defendants/petitioners are necessary for proper adjudication of the case, since they are related to suit land. In case, the impugned order is not set aside, the same would cause great prejudice to the case of defendants/petitioners.

4. The plaintiffs/respondents have filed Title Suit No.23 of 1997 against the defendants for declaration of right, title and interest over the land as detailed in scheduled I and II of the plaint and also for eviction of the defendants from the schedule III land within time fixed by the court and they they fails to do so then through process of court. It has also been prayed that by decree of mandatory injunction, defendants be asked not to interfere over



plaintiffs' possession for schedule I and II land and if found dispossessed then restoration of possession.

5. From perusal of the order impugned, it would reflect that evidence of all the defendants had already closed on 27.07.2010 and nine years thereafter, an application has been filed by the defendants/petitioners for taking on record certain documents vide petition dated 07.03.2019.

6. The learned Munsif has noted in the impugned order that the suit is of 1997, the evidence of the defendants was closed on 27.07.2010 and after twenty-two years of pendency of the suit, the application for taking on record certain documents has been filed by the petitioners. He has also recorded in his impugned order that there is no whisper in the petition filed by the defendants/petitioners regarding the relevancy of the documents in proper adjudication of the case.

7. Regard being had to the provisions prescribed under Order 13 Rule 1 of the Code of Civil Procedure, which provides that the parties or their pleader shall produce on or before the settlement of issues all the the documentary evidence in original where the copies thereof had been filed along with the plaint or written statement, if the court of Munsif vide order impugned has rejected the application of the petitioners, the same requires no



interference by this Court in supervisory jurisdiction under Article 227 of the Constitution of India.

8. The application, being devoid of any merit, is dismissed.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.08.2019
Transmission Date	NA

