

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.34 of 2019

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Ram Ishwar Singh, son of Late Bhuneshwar Singh, resident of Village-
Fafoot, P.S. Rani Talab Bikram, District Patna.

... .. Petitioner/s

Versus

1. Surya Nath Mahto
2. Shree Nath Mahto,

Both S/o Late Govind Mahto, resident of Village- Nirmal Dumari, P.S.
Bihta, District- Patna at present residing at Village- Fafoot, P.O. Fafoot, P.S.
Rani Talab Bikram, District- Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Prem Kumar, Advocate

For the Respondent/s :

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CORAM: HONOURABLE THE CHIEF JUSTICE

ORAL ORDER

2 22-01-2020 This petition filed on 04.01.2019 is listed for hearing
for the first time today before the Court.

Petitioner has prayed for the following relief:-

“For setting aside/quashing the order dated
25.05.2018 passed by the learned Sub Judge, Paliganj
in a case being Title Suit No. 133 of 2003, whereby
the petition, filed by the plaintiff/Respondent No. 2
and 3 to the effect to call for the Test Identification
Register from the office of the Registry so as to



ascertain the genuineness and truth of execution of a sale deed in question by the plaintiff, have been allowed.”

It is not in dispute that the only proceedings, civil in nature, inter se the parties, in relation to the Sale Deed dated 20th of January, 1993, are the one in which the impugned order dated 25.05.2018 stands passed.

Parties may have been litigating before different fora, in relation to the very same subject matter, but then the title was never an issue in such proceedings. It is only for the first time that the plaintiff raised the issue by way of Civil Suit in the year 2002. It is seen that for some reason or the other, the suit could not be proceeded and only to expedite the trial, the court below has directed production of the Sale Deed registered with the Registrar registering the said document.

As such, this Court does not find any perversity or illegality in the impugned order dated 25.05.2018 passed by the learned Sub Judge, Paliganj in Title Suit No. 133 of 2003, and as such, present petition is disposed of clarifying that the said document be taken on record or exhibited in accordance with law so that hearing in the suit be expedited, and with the conclusion of the trial, decision rendered within next nine



months.

Petitioner undertakes to appear before the trial court
on 24.02.2020 and apprise passing of the order.

The instant petition stands disposed of with the
aforesaid direction.

(Sanjay Karol, CJ)

P.K.P./-Sushma

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