

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.458 of 2020

Md. Shamim Son of Late Md. Atim Resident of Mohalla Dujra, Muslim Gali
P.s. Buddha Colony, Town and District- Patna.

... .. Petitioner/s

Versus

1. Bibi Sayeeda Khatoon Wife of Atim Resident of Mohalla Dujra, Muslim Gali P.s. Buddha Colony, Town and District- Patna.
2. Md. Nasim Son of Md. Atim Resident of Mohalla Dujra, Muslim Gali P.s. Buddha Colony, Town and District- Patna.
3. Praveen Kausar Wife of Md. Nasim Resident of Mohalla Dujra, Muslim Gali P.s. Buddha Colony, Town and District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Pankaj Maijorwar
For the Respondent/s : Mr.Ajeet Narayan Sinha

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

5 23-03-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner as well

as the learned counsel for the respondents.

At the final stage, the stage of argument of Title

Suit No. 92 of 2001, a petition was filed on behalf of the

petitioner/plaintiff with a prayer to mark the certified copy of

the plaint of Title Suit No. 142 of 1967 as exhibit. It was prayed

before the learned court below that the defendants in the

present suit were the plaintiffs of Title Suit No. 142 of 1967 and

they had denied the execution of the document of partnership

and the certified copy of the plaint is the relevant document to

counter the statement of defendant no.1.

Admittedly, the certified copy of that plaint was



obtained on 08.06.2000 and it was sought to be exhibited after 19 years with the reason that it was missing. There was no explanation as to why another certified copy was not obtained.

The learned trial court has explicitly mentioned that the certified copy is spoken to have been misplaced and on its being traced this application was filed at the final argument stage. “The plaintiff did not speak about the fact that why he had not applied and get another certified copy if the certified copy was allegedly misplaced.”

I do not see any reason to interfere with the order of the learned court below. Accordingly, this application is dismissed.

Office shall ensure that all defects are removed by the petitioner within the stipulated time as provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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