

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.220 of 2022

1. Most Mukta Devi Wife of Late Ramanand Jha Resident of Vilalge-Batsar, Police Station-Dhoraiya, District Banka.
2. Shambhu Kant Jha Son of Late Ramanand Jha Resident of Vilalge-Batsar, Police Station-Dhoraiya, District Banka.
3. Sanjay Kumar Jha Son of Late Ramanand Jha Resident of Vilalge-Batsar, Police Station-Dhoraiya, District Banka.
4. Kalpana Devi Daughter of Late Ramanand Jha Resident of Vilalge-Batsar, Police Station-Dhoraiya, District Banka.
5. Munni Devi Daughter of Late Ramanand Jha and Wife of Diwakar Jha Resident of Village-Bodra, P.O.-Maheshpur, P.S.-Pathargama, District-Giddard (Jharkhand).

... .. Petitioner/s

Versus

1. Dilip Kumar Jha Son of Arjun Jha Resident of Village Khagra, Police Station-Dhoriya, Post Office-Batsar, District-Banka.
2. Rahul Kumar Jha Son of Shree Ganesh Jha Resident of Village-Batsar, Police Station-Dhoraiya, Post Office-Batsar, District-Banka.
3. Bam Shankar Jha Son of Shree Ganesh Jha Resident of Village-Batsar, Police Station-Dhoraiya, Post Office-Batsar, District-Banka.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mritunjay Prasad Singh
For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 07-07-2022 Heard Mritunjay Prasad Singh, learned counsel for the
petitioners.

Petitioners are appellant in Title Appeal No. 28 / 2015
arising out of decree passed in Partition Suit bearing T.S. No.
58 / 1985.

Petitioners are aggrieved by an order dated 23 / 02 /
2022 whereby the learned lower appellate court has refused the
petition filed by the petitioners for bringing on record additional
evidence under Order 41 Rule 27 sub rule (b) and (c) of the
C.P.C.



Learned counsel for the petitioners submits that petitioners filed a petition for additional evidence before the lower appellate court and wanted to bring on record two sale-deeds pertaining to the other land in which the defendant -Ganesh Jha has been shown as major.

I have heard learned counsel for the petitioners and have perused the impugned order. It appears that the learned lower appellate court has arrived at a conclusion that both the sale-deeds which the petitioners want to bring on record as a piece of additional evidence has already been exhibited as Ext. -“A” by the respondents and in view of the same the petition filed by the petitioners for additional evidence has been rejected.

I do not find any illegality in the impugned order and the learned court below has not committed any material irregularity and / or jurisdictional error in dismissing the petition filed under Order 41 Rule 27 sub rule (b) and (c) of the C.P.C.

Accordingly, this civil miscellaneous application is dismissed.

(Anil Kumar Sinha, J)

praful/-

U			
---	--	--	--

