

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.623 of 2022

Krishna Shankar Prasad Narayan Singh son of Late Vishwanath Prasad Narayan Singh, resident of Village Balia Kothi, P.O.- Chainpur, P.S.- Rasulpur, District- Saran, presently residing at Chainpur Kothi Nawal Kishore Road, P.O. and P.S.- Kadamkuan, Town and District- Patna- 800003.

... .. Petitioner/s

Versus

1. Bansi Chamar son of Late Sudhan Chamar, resident of Village Balia, P.O.- Deopura, P.S.- Rasulpur, District- Saran.
2. Santosh Kumar, son of Triloki Nath Prasad, resident of Village Chainpur, Mobarakpur, P.S.- Siswan, District- Siwan.
3. Rajesh Kumar, son of Triloki Nath Prasad, resident of Village Chainpur, Mobarakpur, P.S.- Siswan, District- Siwan.
4. Bhudesh Kumar Prasad, son of Pashupati Nath Prasad, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
5. Surendra Kumar, son of Manan Prasad, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
6. Satyendra Kumar, son of Manan Prasad, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
7. Asgar Ali, son of Nabirsul resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
8. Majnu Hussain, son of Diljan Mian, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
9. Md. Safdar Ali, son of Galil Mian, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
10. Jabdar Ali, son of Galil Mian, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
11. Nazma Begum, wife of Sagir Siddiqui, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
12. Anwari Khatoon, wife of Wasi Siddiqui, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
13. Momina Khatoon, wife of Fida Hussain, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
14. Chunchun Khatoon, wife of Gramuddin, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
15. Munna Rain, son of Tuntun Mian, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
16. Murtaza Mian, son of Kasim Mian, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
17. Nazrana Khatoon, wife of Haider Ahmad, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
18. Md. Yunus Rain, son of Md. Mir Mian, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.



19. Idna Khatoon, wife of Shamsuddin Rain, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
20. Rag Saubari Devi, wife of Birendra Sah, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
21. Nazir Hussain, son of Nasrul Mian, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
22. Sakina Bano, wife of Insad Ali, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
23. Shahjahan Khatoon, wife of Ramzan Ansari, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
24. Sima Devi, daughter of Manan Prasad, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
25. Raju Prasad, son of Kanhaiya Lal Prasad, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
26. Usha Devi, wife of Vijay Kumar Gupta, resident of Village- Chainpur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
27. Safdar Raja, son of Wakil Ahmad, resident of Bhikhapur, P.O.- Chainpur, P.S.- Siswan, District- Siwan.
28. Balindra Yadav, son of Sukhlal Yadav, resident of Husaina Bangra, P.S.- Siswan, District- Siwan.
29. Md. Azad, son of Md. Ali Hasan, resident of Village- Brahmpur, P.S.- Bhagwan Bazar, District- Saran.
30. Salma Khatoon, wife of Md. Rafique, resident of Village- Gaighat, P.S.- Andar, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pushkar Narain Shah, Sr. Adv. Mr. Shivam, Adv.
For the Respondent/s	:	Mr. Abhay Kr. Kashyap, AC to GP-18

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-11-2022 Heard Mr. Pushkar Narain Shahi, learned Senior
counsel for the petitioner.

2. By the impugned order dated 03.08.2022, the
learned trial court has allowed the plaintiff to adduce
documentary evidence which has been marked as exhibit with
the memo of objection of the defendant/petitioner.



3. Learned senior counsel submits that it may be clarified that the learned trial court will look into the objection filed by the petitioner and also admissibility of the documentary evidence on its merit.

4. From perusal of the impugned order, it transpires that the learned trial court has come to the conclusion that whether the relief can be granted or not is the question to be decided at the stage of judgment and not at this stage, accordingly, allowed the documents to be marked as exhibit.

5. Taking into consideration the fact that the learned trial court based on the principle that the best evidence must be brought on record has allowed the prayer of adducing evidence with objection, in my opinion the impugned order does not require any interference by this Court.

6. It goes without saying that the trial court while appreciating the evidence shall consider the objection of the defendant/petitioner at the stage of final judgment.

7. This application is, accordingly, disposed of.

(Anil Kumar Sinha, J)

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