

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.613 of 2022**

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Rangnath Sharma S/o Late Shatrudhan Sharma Resident of Village- Chesi,
P.S.- Naubatpur, District- Patna. At present D-24, Police Coloney Anisabad,
Patna.

... .. Petitioner/s

Versus

Smt. Shailbala Sinha @ Shailbala W/o Late Indradeo Prasad Sinha resident of
Mohalla- Gosaitola, P.O.- Sadakat Ashram, Police Station- Patlipura, District-
Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Sagar
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 16-11-2022 Heard, Mr. Jitendra Kumar Sagar, learned counsel for
the petitioner.

2. The petitioner is plaintiff/appellant in Title Appeal
No. 117 of 2020.

3. A petition for adducing additional evidence was
filed by the petitioner earlier under Order 41 Rule 27 which was
rejected by the learned District Court *vide* order dated
05.12.2013.

4. Aggrieved by the same the petitioner preferred
C.W.J.C No. 10826 of 2014 and this Court *vide* order dated
10.09.2015 quashed the earlier order dated 05.12.2013 and the
court below was directed to consider the prayer of the appellant
for adducing the additional evidence and pass appropriate order
in view of the law laid down in the case of *Union of India v.*
Ibrahim Uddin, 2012 (8) SCC 148.



5. In light of the said order, the petitioner filed a petition for additional evidence again which has been dismissed by the impugned order.

6. From the perusal of the impugned order, it appears that the learned District Appellate Court has come to the conclusion that the appeal in question is yet to be heard on merit and evidences on record are yet to be considered and accordingly, disposed the petition filed by the petitioner for adducing additional evidence in view of the law laid down in the case of *Ibrahim Uddin (supra)*.

7. I have heard learned counsel for the petitioner and have gone through the impugned order, it is evident that the learned District Court has not outrightly rejected the petition filed by the petitioner for additional evidence but the court has given the finding that the hearing of the appeal has not yet started and the prayer of additional evidence of the petitioner/appellant would be considered in view of the order passed by this court in C.W.J.C. No. 10826 of 2014 and law laid down by the Apex Court in the case *Ibrahim Uddin, (supra)*.

8. In view of the aforesaid fact, I do not find any merit in the application.



Accordingly, it is dismissed.

(Anil Kumar Sinha, J)

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