

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1196 of 2018

1. Nanhu Prasad @ Nanhu Yadav Son of late Nandlal Rai
2. Prasuram Rai
3. Sri Ram
4. Hare Ram all 2 to 4 are Sons of Nanhu Rai all Residents of Village- Ram Nagar, Chhabish Tola, Post- Satbhaiya, P.S. Bakhtiyarpur, District- Patna.

... .. Petitioner/s

Versus

1. Anita Devi Daughter of Ram Dev Rai and Wife of Rakesh Rai Resident of Village Kazichak, P.S. Barh, Distt. Patna.
2. Sunita Devi Daughter of Ram dev Rai and Wife of Naval Kishor Rai Resident of Village Mile, Ghughariya, Near Police Station, P.S. Ghughariya, Bidupur, Distt. Patna.
3. Shiv Kumar Rai Son of Ran Dev Rai
4. Shiv Shankar Rai Son of Ram Dev Rai
5. Suresh Rai Son of Ram Babu Rai Resident of Mahuli, P.S. Patna City, Post- Murchapur, Distt. Patna.
6. Kaushlya Devi Wife of late Bal Dev Rai
7. Most. Sunaina Devi Widow of late Raj Kishor Rai
8. Maya Devi Daughter of late Ram Chandra Rai
9. Most Nirmala Devi Widow of late Joginder Rai
10. Jitendra Rai Son of late Ram Chandra Rai
11. Mahesh Rai Son of Joginder Rai
12. Subodh Rai
13. Rupesh Rai Both Sons of Jitendra Rai
14. Sunil Rai, Major
15. Dinesh Rai, Minor
16. Ramesh Rai, Minor
17. Sunita , Major
18. Anita, Major
19. Premshila , Minor
20. Dharmshila , Minor
21. Babita Minor all (14 to 21). are Sons/Daughters of late Raj Kishore Rai and Minors are under natural Guardianships o
22. Most. Parwati Widow of late Jamun Rai Resident of Village Champapur Dadaur, Post Ghoswari, P.S. Bakhtiyarpur, Distt. Nalanda.
23. Shrimati Runnia Devi Wife of Lalan Resident of village/ P.S. Parwalpur,



Distt. Nalanda.

24. Fekni Devi, Minor Daughter of late Jamun Rai Resident of Village Champapur Dadaur, Post Ghoswari, P.S. Bakhtiyarpur, Distt. Nalanda under the guardianship of mother Parwati Devi.
25. Pariya Devi Daughter of late Udit Rai
26. Devendra Rai Son of late Jamun Rai
27. Surendra Rai Son of late Jamun Rai
28. Maho Rai
29. Jai Prakash Rai
30. Mukesh Rai all (28 to 30) are Sons of Devendra Rai
31. Ganesh Rai Son of Surendra Rai
32. Most. Rajbiya Devi Widow of late Bramhdev Rai
33. Leela Devi Widow of Balram Rai & daughter of Bramhdev Rai
34. Sita Devi Daughter of Ramdhani Rai
35. Ravinder Rai, Minor
36. Raghuwansh, Minor
37. Papu , Minor all (35 to 37) are Sons of late Bramhadev Rai All Residents of Mauza- Ram Nagar, Ghoshwari Tok, Post- Champapur Ghoshwari, P.S. Bakhtiyarpur, District- Patna.
38. Nageshwar Rai
39. Nagendra Rai Both Sons of late Jaddu Rai Residents of Rampur, P.S. Raghapur, Distt.- Vaishali.
40. Uma Devi, of Newasi Rai Resident of Bikrampur, Distt. Patna.
41. Sharda Devi Wife of Hukum Rai Resident of Ram Nagbar, Sat Bhaiya P.S. Bakhtiyarpur, District- Patna.
42. Sushila Devi Wife of Brijnandan Rai Resident of Rustampur, P.S. Raghapur, Distt. Vaishali.
43. Munni Devi
44. Kiran Devi Both are daughter of late Jainandan Rai
45. Brijnandan Rai son of Ram Sagar Rai
46. Sanjay REai
47. Ajay Rai Both Sons late Jainandan Rai
48. Bittu Son of Brij Nandan Rai All residents of Mauza - Saidpur, Tola/Post- Narauli, P.S. Bakhtiyarpur, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sidhendra Narayan Singh, Advocate Mr. Kumar Lalit, Advocate
For the Respondent/s	:	Mr. Amit Bhushan, Advocate with Mr. Sri Krishna Ranjan, Advocate



CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

10 24-04-2023

Heard learned counsel for the parties.

2. This Civil Miscellaneous Application has been filed on behalf of plaintiffs / petitioners against the order dated 05.04.2018 passed by learned Sub-Judge- I, Barh in Title Suit No. 56 of 1989 whereby the learned trial Court rejected the petition dated 11.07.2016 of the petitioner for exhibiting the certified copy of the order of Circle Officer, Bakhtiyarpur in evidence.

3. Petitioners are plaintiffs who have filed the suit for partition of the suit property.

4. Learned counsel for the petitioners submits that the petitioners have filed a petition dated 11.07.2016 before the trial court with a prayer to exhibit the certified copy of the order of the Circle Officer, Bakhtiyarpur, which had already been filed by the plaintiffs on the record.

5. It is further submitted that on application of the petitioners the then Circle Officer in order dated 26.08.1988 had observed that the case is of civil nature and the petitioners may take steps for filing the suit in the Civil Court. The plaintiffs to prove the said fact stated in the plaint prayed to exhibit the said order in the evidence. He has also submitted that the said



document is a public document which is necessary for arriving at a just decision in the suit and genuineness of the documents would be seen in final stage.

6. The learned counsel for the respondents submits that it appears that the said order seems to be a forged and fabricated document as the same has not been available in the concerned C.O. office and there are discrepancies in the same. However, he has conceded that the said document may be exhibited by the plaintiff with objection of the respondent on the said document.

7. Learned counsel for both the parties submit that this case may be disposed of by allowing the petitioners to exhibit the said document in the trial court in accordance with law with objection on behalf of the defendants.

8. Having heard the learned counsel for the parties and perused the materials on record and also the impugned order, it appears that learned trial court rejected the said application of the plaintiff observing that the same cannot be entered into the evidence in the present case.

9. Considering the submission of the learned counsel for the respondents that he has no objection that the said document may be exhibited in accordance with law with the



objection of the defendants and on the consent of learned counsel for the parties this Civil Miscellaneous Application is disposed of. In the interest of justice the impugned order dated 05.04.2018 is set aside and the said certified copy of the said order dated 26.08.1988 of Circle Officer is allowed to be exhibited in accordance with law with objection of the defendants with respect to genuineness of the document.

10. The stay granted on pronouncing the judgment of Title Suit No. 56 / 1989 is vacated.

11. The present Suit is very old Suit of the year 1989 and earlier also direction was issued to dispose of the case within specified period but unfortunately the same has not been done. The learned trial court is directed to expedite the disposal of the suit and both the parties are also directed to cooperate the trial court in early disposal of this old suit. The trial court is also directed to fix the hearing on day to day basis without giving any unnecessary adjournment in this case.

12. The office is directed to send this order to the trial court through fax / email also.

(Sunil Dutta Mishra, J)

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