

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No. 658 of 2016

1. Neeraj Kumar Gupta, Son of Late Thakur Prasad, Resident of Village-Amnour Harnarayan, P.O. and P.S.-Amnour, District-Saran.
2. Kamata Prasad, Son of Late Thakur Prasad, Resident of Village-Amnour Harnarayan, P.O. and P.S.-Amnour, District-Saran.
3. K. Sachchida Prasad, Son of Late Thakur Prasad, Resident of Village-Amnour Harnarayan, P.O. and P.S.-Amnour, District-Saran.
4. Kh. Pradeep Kumar Gupta, Son of Late Thakur Prasad, Resident of Village-Amnour Harnarayan, P.O. and P.S.-Amnour, District-Saran.
5. Gh. Raj Kumar Gupta, Son of Late Thakur Prasad, Resident of Village-Amnour Harnarayan, P.O. and P.S.-Amnour, District-Saran.
6. Smt. Kavita devi, Wife of Neraj Kumar Gupta, Resident of Village-Amnour Harnarayan, P.O. and P.S.-Amnour, District-Saran.

... .. Petitioner/s

Versus

1. Panchanand Prasad Chaurasiya, Son of Jagarnath Prasad, Resident of Village-Amnour Harnarayan, P.O. and P.S.-Amnour, District-Saran.
2. Lilawati Devi, Wife of Panchanand Prasad Chaurasiya, Resident of Village-Amnour Harnarayan, P.O. and P.S. Amnour, District- Saran.
3. Akshabar Tiwari, Son of Late Madhusudan Tiwari, Resident of Village-Amnour Harnarayan, P.O. and P.S.-Amnour, District-Saran.
4. Ram Parvesh Tiwari, Son of Late Ram Parikshan Tiwari, Resident of Village-Amnour Harnarayan, P.O. and P.S.-Amnour, District-Saran.
5. Awadhesh Prasad, Son of Late Murari Sharan Prasad, Resident of Village-Amnour Harnarayan, P.O. and P.S.-Amnour, District-Saran.
6. Bharatdev Singh, Son of Late Dev Kumar Singh, Resident of Village-Amnour Harnarayan, P.O. and P.S.-Amnour, District-Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Madhaw Prasad Yadaw, Advocate Mr. Shiv Shankar, Advocate
For the Respondent/s	:	Mr. Nagendra Rai, Advocate Mr. Navin Nikunj, Advocate Mr. Koshalendra Rai, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

6 20-07-2023 Learned counsel for the respondent No. 1 submits that
respondent No. 2 is the wife of respondent No. 1 and they are



the contesting parties before the learned trial Court. Accordingly, this case may be heard and disposed of.

2. Heard learned counsel for the parties.

3. This Civil Miscellaneous application has been filed against the order dated 11.01.2016 passed in Title Suit No. 130 of 2010 by learned Munsif 4th, Chapra by which the learned Court below rejected the prayer of the plaintiffs / petitioners for exhibiting the unregistered *Sada Bainama* on behalf of the plaintiffs / petitioners.

4. Learned counsel for the petitioners submits that the petitioners had filed a petition dated 04.05.2015 (Annexure-7 of this petition) in which he has prayed to mark exhibit the relevant documents as public document. However, from perusal of the impugned order, it appears that the learned Court below only discussed with respect to exhibit of *Sada Bainama* and not discussed about the other documents sought to be exhibited in the application.

5. Learned counsel for the respondents fairly submits that subject to right of rebuttal, documents as per the application dated 04.05.2015 may be exhibited and unregistered *Sada Bainama* may be exhibited with objection of the respondents so that the respondents may take the plea at the time of final



argument.

6. Accordingly, on consent of the learned counsel for the appearing parties, the impugned order dated 11.01.2016 passed by the learned Court below in Title Suit No. 130 of 2010 is set aside and the application dated 04.05.2015 is allowed with the direction that the documents as per the said application be exhibited and *Sada Bainama* be exhibited with objection of the respondents. The respondents shall have right to rebuttal of the same.

7. Accordingly, this Civil Miscellaneous application is disposed of and the stay of the proceeding in Title Suit No. 130 of 2010 vide order dated 21.09.2016 stands vacated.

8. Learned Court below is directed to expedite the disposal of the aforesaid suit and both the parties shall co-operate the learned Court below for early disposal of the suit.

(Sunil Dutta Mishra, J)

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