

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.197 of 2022

1. Ramprit Singh, Son of Late Chitar Singh, Resident of Village and Post - Sultanpur, Via - Basant, Police Station - Derni, District- Saran, Pin Code - 841202.
2. Ram Binod Singh Son of Ramprit Singh Resident of Village and Post - Sultanpur, Via - Basant, Police Station - Derni, District- Saran, Pin Code - 841202.
3. Lakshmi Kunwar Widow of Late Ram Ishwar Singh Resident of Village and Post - Sultanpur, Via - Basant, Police Station - Derni, District- Saran, Pin Code - 841202.

... .. Petitioner/s

Versus

- 1.1. Tarkeshwar Singh Son of Late Ram Naresh Singh Resident of Village and Post- Sultanpur, Via- Basant, Police Station- Derni, District- Saran, Pin- 840202.
- 1.2. Bindeshwar Singh Son of Late Ram Naresh Singh Resident of Village and Post- Sultanpur, Via- Basant, Police Station- Derni, District- Saran, Pin- 840202.
- 1.3. Narendra Singh Son of Late Ram Naresh Singh Resident of Village and Post- Sultanpur, Via- Basant, Police Station- Derni, District- Saran, Pin- 840202.
- 1.4. Manju Devi Wife of Jitendra Singh (Daughter of late Ram Naresh Singh) Resident of Village- Bara Gopal, Post- Narao, Police Station- Garkha, Dist- Saran, Pin-841216.
- 1.5. Sanju Devi Wife of Umesh Singh(daughter of late Ram Naresh Singh) Resident of Village- Pirari, Post- Zilkabad, Police Station- Garkha, Dist- Saran, Pin-841211.
- 1.6. Ranju Devi Wife of Jag Narain Singh(daughter of Late Ram Naresh Singh) Resident of Village Mahamodpur, Post- Bela, Via- Sheetalpur, Police Station,- Dariyapur, District- Saran, Pin-841221.
2. Amrendra Kumar Sharma Son of Ram Swarup Sharma Resident of Village and Post - Sultanpur, Via - Basant, Police Station - Derni, District- Saran, Pin Code - 841202 but present address of both Opposite Party No. 02 and 03 is Village and Post - Khanpur, Police Station - Derni, District- Saran, Pin Code - 841207
3. Srikant Kumar Sharma Son of Ram Swarup Sharma Resident of Village and Post - Sultanpur, Via - Basant, Police Station - Derni, District- Saran, Pin Code - 841202 but present address of both Opposite Party No. 02 and 03 is Village and Post - Khanpur, Police Station - Derni, District- Saran, Pin Code - 841207

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate



For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

12 19-03-2025 Heard learned counsel for the petitioners.

2. The petitioners are aggrieved by the order dated 07.12.2021 passed by the learned Sub Judge, Sonapur Saran in Partition Suit No. 642 of 2008 whereby and whereunder the application dated 19.12.2019 filed by the petitioners for marking two documents as exhibits has been rejected.

3. Learned counsel for the petitioners submits that the impugned order is not sustainable as the learned trial court did not consider that the documents are very much relevant for the purpose of real determination of controversy between the parties. The documents are rent receipt of land for the year 2012-13 and a gift deed dated 07.09.1995. Both the documents were filed on record but inadvertently those documents could not be exhibited. The learned trial court refused to admit those documents as exhibits as the argument has started in the case. Learned counsel further submits that technicalities could not come in the way of dispensation of justice and for the ends of justice, prayer of the petitioners ought to have been allowed.

4. Despite service of notice, no one appears on behalf of the respondents.



5. Perused the record.

6. Perusal of record shows the learned trial court has considered the contention of the parties, the impugned order also reflects that both the sides have completed their arguments and the matter was fixed for judgment but due to transfer of presiding officer, judgment could not be delivered. Another fact which is quite striking that there is no reason mentioned for not getting the documents exhibited earlier by the petitioners. Therefore, I do not find any infirmity in the impugned order and the same is affirmed.

7. Finding no merit in the present petition, the same is dismissed.

(Arun Kumar Jha, J)

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