

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.408 of 2022

1. Amarjeet Kumar, Son of Late Yogendra Prasad Sah @ Yogendra Prasad, Resident of Village and P.O. Sekhopur, P.S. Deshari Shadik, District-Vaishali. At present residing at Banshi Traders, Near Fish Market (Opposite Bari Masjid), Karbigahia, P.S. Jakkanpur, Town and District-Patna.
2. Sushil Kumar, son of Late Yogendra Prasad @ Yogendra Prasad, Resident of Village and P.O. Sekhopur, P.S. Deshari Shadik, District-Vaishali. At present residing at Banshi Traders, Near Fish Market (Opposite Bari Masjid), Karbigahia, P.S. Jakkanpur, Town and District-Patna.

... .. Petitioner/s

Versus

1. Mahendra Prasad Sao, Son of Late Banshi Sah, Permanent resident of Village and P.O. Sekhopur, P.S. Deshari Shadik, District-Vaishali. At present Residing at Jari-Buti Dawa Khana, Chiraiyan Tand Chauraha, adjacent Land of Mithilesh Market, P.S. Kankarbagh, Town and District-Patna.
2. Nagendra Sah, Son of Late Banshi Sah, resident of Village and P.O. Sekhopur, P.S. Deshari Shadik, District-Vaishali.
3. Manju Devi, D/o Late Yogendra Pd. Sah and Wife of Sri Ramchandra Sah, C/o Shri Ram Prasad Sah, Resident of Village-Azirpur, P.S. Sarai, District-Vaishali.
4. Indu Devi, D/o Late Yogendra Prasad Sah and Wife of Shri Mohan Sah, Resident of Village-Ganjpar, Athmalgola, P.O. and P.S. Athmalgola, District-Patna.
5. Prameela Devi, D/o Late Yogendra Prasad Sah and Wife of Shri Amarjeet Gupta, C/o Late Achhaibar Lal Sah, Resident of Mansoorganj, P.O. and P.S. Chowk, Patna City, District-Patna.
6. Babita Devi, D/o Late Yogendra Prasad Sah and Wife of Shri Bhupesh Gupta, Resident of Banshi Traders, Near Fish Market, Karbigahia, P.O. Jakkanpur, Town and District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Garg
For the Respondent/s	:	Mr.Nikesh Sinha

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL JUDGMENT

Date : 03-11-2025

Heard Learned counsel for both the parties.

2. The instant Civil Miscellaneous application has been
filed for quashing the order dated 22.04.2022 passed by learned



Additional District Judge, 25th, Patna in Title Appeal NO. 12 of 2017 (Amarjeet Kumar & Another Vs. Mahendra Prasad Sao and others) whereby the learned Court below has rejected the petitions dated 20.07.2019 and 24.07.2019 filed by petitioners under Order 41 Rule 27 read with Section 151 of CPC for producing/adducing the additional documents.

3. Learned counsel for the petitioner submits that Title Partition Suit No. 150 of 2006 was filed by respondent (plaintiff therein) against petitioners (defendant therein) for carving out their 1/3rd share in the ancestral property mentioned as suit property in the plaint. Suit was decreed on 28th of September, 2016. Against that judgment an appeal was preferred i.e. Title Appeal No. 12 of 2007. Subsequently, on 20.07.2019 and 24.07.2019 two petitions were filed for adducing additional evidence under Order 41 Rule 27 of CPC and Section 151 of CPC. Altogether, eight documents have been sought for as additional evidence. Learned counsel for the petitioner submits that all these documents are necessary for proper and complete adjudication of this case.

4. Contrary to this, learned counsel for the respondent submits that the Title Partition Suit was filed in the year 2006 which was decided in the year 2016 and till eleven years no such documents were filed however; all the documents pertaining to



Partition Suit were in the custody of defendant/petitioner because his father namely, Yogender Prasad Sah was elder brother. All these documents were in full knowledge of the defendant/petitioner which has not been produced within time.

5. Now, during course of argument, there is no explanation on behalf of learned counsel for the petitioner as to why such delay has been caused in filing the aforesaid eight documents and on what basis he is entitled to produce under provision of Order 41 Rule 27. Altogether three ingredients are mentioned in Order 41 Rule 27 but none of the ingredients attracts/applies in this case.

6. After giving thoughtful consideration to the rival submission of the parties in the light of facts and circumstances of this case, I come to the conclusion that the petition is devoid of any merit and accordingly, it stands dismissed.

(S. B. Pd. Singh, J)

Ankit Kumar/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	18.11.2025
Transmission Date	NA

