

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL MISCELLANEOUS JURISDICTION No.697 of 2017**

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1. Sangita Kumari Wife of Vidyabhushan Prasad Resident of Village Kamal Bigha, Post Bilari, P.S.- Katrisarai, District- Nalanda.
2. Ranjit Kumar Son of late Ramji Prasad Resident of Village- Husena, P.S. - Sarmera, District- Nalanda.

... .. Petitioner/s

Versus

Mridula Sinha Wife of Madan Prasad Resident of Village- Husena, Post- Husena, P.S. Sarmera, District- Nalanda.

... .. Respondent/s

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**Appearance :**

For the Petitioner/s	:	Mr.Sanjay Prasad, Advocate
For the Respondent/s	:	Mr. Sarvadeo Singh, Advocate
		Mr. Sanjay Kumar, Advocate

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**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL JUDGMENT**

**Date : 22-12-2023**

Present learned counsel for the petitioners and learned counsel for the respondent.

2. Heard learned counsel for the parties on the point of admission and I intend to dispose of the present petition at the admission stage itself.

3. The petitioners have challenged the order dated 23.01.2017 passed by learned Sub Judge-6, Biharsharif, Nalanda in Title Suit No. 249 of 2010, whereby and whereunder the learned trial court granted permission to the plaintiff/respondent to bring on record the original Basika of sale deed dated 10.04.1990 as documentary evidence.



4. Learned counsel for the petitioners submits that the plaintiff has already been examined as a witness in the trial court and the said document was brought on record after six years though it was available with the plaintiff/respondent from very beginning. The said document is forged and fabricated and the learned trial court erred when it granted permission to the plaintiff to enclose the original Basika of sale deed dated 10.04.1990 after lapse of six years and, that too, when the deposition of plaintiff has been recorded. Thus, learned counsel for the petitioners submits that the impugned order is not sustainable in the eyes of law and the same may be set aside.

5. Learned counsel for the respondent vehemently argued that there is no merit in the contention of the learned counsel for the petitioners for the fact that photo copy of the impugned document was already on record. The original document was filed in a criminal proceeding. The original document was filed on 27.02.2013 and thereafter, it was taken on record vide order dated 23.01.2017. Learned counsel further submits that it is an important document and the case of the plaintiff depends upon the said document. Moreover, the petitioners did not oppose the document being taken on record and they only asked for cost as is apparent from the impugned



order. Further the proceeding before the learned trial court has got hampered due to pending petition before this Court and the challenge is without any merit.

6. Having regard to the submissions made on behalf of the parties and after going through the record, it is apparent that the photo copy of the document has already been brought on record and the pleadings have also been made regarding the said document. Hence, bringing the original of the document on record would hardly cause prejudice to the other side. So far as delay is concerned defendant has been suitably compensate and cost has been imposed upon the plaintiff. Therefore, I do not find any merit in the submission of the learned counsel for the petitioners and hence, the present petition is dismissed.

7. However, learned trial court is directed to ensure that the defendants/petitioners are not prejudiced in any manner and are given ample opportunity to controvert/rebut the document which has now been brought on record.

**(Arun Kumar Jha, J)**

DKS/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	26.12.2023
Transmission Date	N/A

