

Mosomat Devanti Kuar Alias Devanti Devi Vs Anarwa Devi

Court: Jharkhand High Court

Date of Decision: Jan. 21, 2025

Acts Referred: Constitution of India, 1950 " Article 227
Code of Civil Procedure, 1908 " Order 8 Rule 8

Hon'ble Judges: Sanjay Kumar Dwivedi, J

Bench: Single Bench

Advocate: Anand Kumar Pandey

Final Decision: Dismissed

Judgement

Sanjay Kumar Dwivedi, J

1. Heard the learned counsel appearing for the petitioners.

2. This petition has been filed under Article 227 of the Constitution of India for quashing of the order dated 16.7.2024 passed by learned Civil Judge,

Senior Division, Palamau in Partition Suit No.17 of 2009.

3. Learned counsel for the petitioners submits that the learned court has wrongly allowed the petition by the impugned order in absence of any of

pleadings and those documents are foreign to the suit property. On this ground he submits that the impugned order may kindly be set aside.

4. The Court has gone through the impugned order dated 16.7.2024. The bandobasi parwana in the name of Manswari Devi and other documents

were sought to be brought on record and the said petition was filed under Order VIII Rule 8 CPC. The said petition was allowed by the learned court

by a cogent order. The learned court has allowed the said petition and the documents were taken on record and in view of that the relevance of which

can be examined by the learned trial court on the basis of the evidence to be led but to deprive a party to the suit not to file documents even if there is

some delay will lead to denial of justice. It is well settled that the rules and procedures are the hand- made of justice and therefore even if some delay

the trial court should have imposed some cost rather than to decline the production of the documents itself. In the case in hand the learned court by a

reasoned order has allowed to take the documents on the record. There is no illegality in the order. Hence, this petition is dismissed.

5. However, the plaintiff-petition shall be permitted to lead additional evidence, if any, on the basis of the documents now produced by the defendants.