

IN THE COURT OF SUB JUDGE-I, LAKHISARAI

T.S- 57/2017

Order

16-08-2019

Both side filed pairvi. Today, the record is fixed for order on the petition dated 30-11-18 under Order- 11 Rule 14 & 16 r/w U/S- 151 of C.P.C. 1908 as well as petition under order rule 1(A) is with 151 C.P.C. of plaintiff and its rejoinder dated 08-05-19 of defendant.

Learned counsel for plaintiff submitted that plaintiff has instituted the present suit against the defendant for partition craving out his 1/4th share in suit property detailed in schedule 2 at the foot of the plaint. In Para 13 of plaintiff has categorically stated that being a Karta and manager of the joint Hindu family and property of Late Jago Yadav defendant no. 1 has retained all the registered sale deeds related with suit property in his custody. Defendant no. 1 having appeared in the present suit has filed his written statement and till today has not filed the registered sale deeds with respect to the suit land nor disclosed the date of purchase of the suit land in written statement although he has admitted the averments made para 13 of the written statement as true. It is expedient in the interest of justice that notice to produce the defendant shall be given in prescribed Form No. 7 to defendant no. 1 which is annexed with this petition and forms a part and parcel of this petition. Learned counsel of plaintiff petitioner prayed for direction to defendant no. 1 to produce the title deeds related with suit land in schedule 2 of the plaint in court.

Learned counsel for defendant committed that plaintiff prayed for production of paper of land by defendant no. 1 to plaintiff. Plaintiff has not gave date and detail of land of sale deed plaintiff has also not disclosed name of seller of land. Plaintiff further claim that defendant has admitted claim of plaintiff as stated in para 13 of plaint. Defendant has not accepted contained in para 13 of plaint. But defendant asserted in para 12 in reply to para 13 of plaint that “वादी का कथन परा नंबर-13 में सत्य है कि जो भू-संपदा जिसकी है उसका कागजात उसके पास है वादी अपनी भू-संपदा बनाम स्वयं, पत्नी, बाल-बच्चे और सा-ससुर और साला-सरहज का दस्तावेज पेश करें।” Plaintiff neither produced paper nor gave explanation. Defendant has denied jointness. Case is yet for fixed for settlement of issue. Finally, learned counsel for defendant prayed to reject petition.

Heard both side. Perusal the record. On 15-11-17 written statement of accepted. Of defendant no. 4 and 5. On 06-10-17 defendant no. 1 appeared and filed written statement. On 28-08-17 written statement filed on behalf of defendant no. 2 and 3. Plaintiff filed petition under order 39 C.P.C On 08-09-17 for injunction there after On 24-08-18 plaintiff filed petition under consideration. On the fact an circumstances Defendant no. 1 is hereby directed to produce document. Accordingly, petition is hereby disposed off. Put up on 20-09-2019 for further proceeding.

Dictated

Sub-Judge I