

**In the Court of Sukul Ram, Sub-Judge-I Cum ACJM, Narkatiaganj**

**Title Suit No. 50/2017**

**Lalbabu Prasad.....Plaintiff**

**V/S**

**Ramjee Halwai & Others.....Defendants**

<u>DATE</u>	<u>ORDER</u>	<u>REMARKS</u>
20.11.2025	<p>Both parties file their attendances. A petition dated 23.07.2025 has been filed on behalf of the defendant no. 1 to 9 U/R 250 of C.P.C. which is fixed for order today.</p> <p>Learned counsel of the defendant 1 to 9 prayed that the case record dated 27-06-2025 reveals that the proceeding is setup for the appearance of the defendant no.10. The issues are as yet to be settled and the evidence is to begin. It is to be noted that the defendant no. 1 and 9 have executed various sale deeds in favour of a numberof purchasers prior to the institution of the suit (the year 1999 to 2008) and they were mutated in the department of revenue as is evident from the averment of para no. 16 of the W.S. of the above mentioned defendants. A petition to the effect u/s 250 of the Civil Court Rules was earlier filed on 27-07-2023 and allowed on 23-08-2023. Another petiton of the same kind touching register-2 in the name of Ramlakhan Halwai, certified copies of sale deeds, rent receipts and photographs of the residential houses of the purchasers on the suit land of khata no. 168, khesra no.1408 being not available at that point of time is being filed in the court. These papers are of most valuable nature. The defendant fear that the above started papers may be lost or misplaced from the case record so, is is necessary to keep these ones in a locked box U/R 250 of the Civil court Rules. It is respectfully requested be pleased to allow the</p>	

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<p><b>Continue 20.11.2025</b></p>	<p>petition for the safe keeping of the documents in locked box for the end of justice.</p> <p>A Rejoinder has been filed by the Plaintiff and stated that the petition dated 23-07-2025 filed by the Plaintiff is not maintainable either in eyes of law or on facts. The claim against defendant no 1 to 9 is based on the event dated 23-07-2025 which is deceptive and is outside the jurisdiction of the defendants. Therefore, it is necessary to strike it out. The defendants themselves stated in paragraph 3 of their original petition that a similar application had been accepted under Civil Court Rule 250, 1965 on 27-07-2023. However, the Plaintiff was not given a copy and the unilateral order dated 27-07-2023 was passed in the absence of the Plaintiff, based on which the Advocate of the Plaintiff, Shri Anil Kumar Mishra, was allegedly robbed of his papers by deceit, or was forced to sign a blank document, or the defendant's advocate, Shri Anil Kumar Mishra, took the papers himself. In the normal course of events, the defendant is obliged to state his claim in writing, based on the documents he relies on, and after getting photocopies of those documents ready serve a copy of the same on the Plaintiff's advocate and then file his written statement along with the documents in the court. It is clear that the order dated 27-07-2023 was passed in an illegal manner without complying with the aforesaid Civil Court Rule-21. The defendants not only committed deception by stopping the compliance of Civil Court Rule-21 but also committed fraud by violating Civil</p>	
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<p><b>Continue 20.11.2025</b></p>	<p>court Rule-250 and snatched the order dated 27-07-2023 from the court. It is a matter of great concern that on 27-07-2023 the documents given by the defendant's advocate, Shri Anil Kumar Mishra were enclosed in a box. On 18-09-2023 the Plaintiff's (Anil Kumar Mishra's) petition for certified copies of the documents was submitted. The lock of the box was not opened and the certified copy section refused to take the fees for the certified copies because the petition was rejected. Therefore, certified copies were not issued under rejected application no. 551 dated 18-09-2023. Plaintiff did not file any list of documents along with the original petition dated 23-07-2025. In such a case, the petition concerning the custody of the documents in the box before the documents even came into the records is not maintainable. Therefore, it is prayed that the petition of the defendant no. 1 to 9 under Civil Court Rule 250 may be rejected.</p> <p>Heard both parties and perused the record. From perusal of the record it transpires that defendant no. 1 to 9 filed a petition dated 23-07-2025 U/R 250 of C.P.C. and prayed to allow the petition for the safe keeping of the documents in locked box. Plaintiff has filed his rejoinder on dated 28-07-2025 and prayed to reject the petition of defendant no. 1 to 9 under Civil Court Rule 250. The court is the custodian of all necessary documents related to the suit. In such a situation, the request made by the defendant no. 1 to 9 to keep the documents in a safe box is justified. Therefore, in the</p>	
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<p><b>Continue 20.11.2025</b></p>	<p>interest of justice the Petition of the defendant no. 1 to 9 is hereby allowed. Defendants are directed to deposit their documents in box before Saristadar of the Court.</p> <p>Put up on 16-12-2025 for evidence of Plaintiff.</p> <p>Dictated</p> <p>Sub-Judge-I Narkatiyaganj</p>	
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