



IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1437 of 2025

1. Taufilal Yadav @ Tofilal Yadav @ Tophilal Yadav S/o Late Maheshwar Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
2. Rambeer Yadav, S/o Late Maheshwar Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
3. Daulat Devi, D/o Late Maheshwar Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
4. Sangyan Devi, D/o Late Maheshwar Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
5. Kusma Devi, D/o Late Maheshwar Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.

... .. Petitioner/s

Versus

1. Chalittar Yadav S/o Late Saukhi Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
- 2.1. Bina Devi W/o Late Indranarain Yadav, Resident of Village and Post - Madhiya, P.S. Basopatti, District- Madhubani.
- 2.2. Umesh Yadav Son of late Indranarain Yadav, Resident of Village and Post - Madhiya, P.S. Basopatti, District- Madhubani.
- 2.3. Amod Yadav Son of late Indranarain Yadav, Resident of Village and Post - Madhiya, P.S. Basopatti, District- Madhubani.
- 2.4. Jai Shankar Yadav S/o Late Indranarain Yadav, Resident of Village and Post - Madhiya, P.S. Basopatti, District- Madhubani.
- 2.5. Nitish Kumar S/o Late Indranarain Yadav, Resident of Village and Post - Madhiya, P.S. Basopatti, District- Madhubani.
- 2.6. Prakash Kumar Yadav S/o Late Indranarain Yadav, Resident of Village and Post - Madhiya, P.S. Basopatti, District- Madhubani.
- 2.7. Manash Kumar Maramhansh S/o Late Indranarain Yadav, Resident of Village and Post - Madhiya, P.S. Basopatti, District- Madhubani.
- 2.8. Meera Yadav D/o late Indranarain Yadav, Resident of Village and Post - Madhiya, P.S. Basopatti, District- Madhubani.
3. Kirteshwar Yadav, S/o Laxmi Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
4. Rajendra Yadav, S/o Bahadur Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
5. Chitrohan Yadav, S/o Tanuk Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
6. Vishwanath Yadav, S/o Late Shiv Shankar Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
7. Raghunath Yadav, s/o Late Shiv Shankar Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
8. Suryamukhi Devi, D/o Late Shiv Shankar Yadav, R/o Village and PO-





Madhiya, PS-Basopatti, District-Madhubani.

9. Smt. Durga Devi, D/o Late Shiv Shankar Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
10. Smt. Devta Devi, D/o Late Shiv Shankar Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
11. Smt. Tripula Devi, W/o Prem Kumar Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
12. Mosomat Rajwati Devi, W/o Late Chandradev Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
13. Saroj Kumar Yadav, S/o Late Chandradev Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
14. Ram Prabhu Yadav, S/o Late Chandradev Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
15. Subhash Yadav, S/o Late Chandradev Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
16. Smt. Indu Devi, W/o Rajendra Yadav, R/o Village-Kalna, PS-Harlakhi, District-Madhubani.
17. Rajdev Yadav, S/o late Gaudi Shankar Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
18. Mosomat Shanti Devi, W/o Late Bishundev Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
19. Sujit Kumar @ Pappu, S/o Late Bishundev Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
20. Ajit Kumar, S/o Late Bishundev Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
21. Rajwanshi Yadav, S/o Kashi Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
22. Om Prakash Yadav, S/o Rajwanshi Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
23. Ricko Devi W/o late Devnath Yadav, Resident of Village and Post - 1. Madhiya, P.S. Basopatti, District- Madhubani.
23. Rita Devi D/o late Devnath Yadav, Resident of Village and Post - Madhiya, 2. P.S. Basopatti, District- Madhubani.
25. Surya Narayan Yadav, S/o Late Balu Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
27. Madho Yadav, S/o Late Praduman Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
29. Smt. Pitambari Devi, D/o Late Ganga Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
30. Dinesh Yadav, S/o Late Ganga Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
31. Birendra Yadav, S/o Late Ganga Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.





32. Ashok Kumar Gupta, S/o Late Chhotai Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
33. Masomat Kagni Devi, W/o Late Pulkit Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
34. Laldev Yadav, S/o Late Pulkit Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
35. Baldev Yadav, S/o Late Pulkit Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
36. Smt. Binda Devi, W/o Ramnandan Yadav, R/o Village and PO-Malmai, PS-Kaluahi.
37. Smt. Indeshiya Devi, W/o Khushilal Yadav, R/o Village-Chhatani, PS-Basopatti, District-Madhubani.
38. Sonfil Yadav, S/o Darbari Yadav, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
40. Mahendra Sahni, S/o Keshi Sahni, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
41. Bisheshwar Sahni, S/o Late Janak Sahni, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
42. Gulesh Sahni, S/o Late Janak Sahni, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
43. Umesh Sahni, S/o Late Janak Sahni, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
44. Smt. Sunita Devi, W/o Late Bindeshwar Sahni, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
45. Smt. Anita Devi, W/o Shankar Sahni, R/o Village-Kuleshwar, PS-Basopatti, District-Madhubani.
46. Bechan Sahni, S/o Late Maheshwar Sahni, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
47. Fekan Sahni, S/o Late Maheshwar Sahni, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
48. Amlesh Sahni, S/o Late Maheshwar Sahni, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.
49. Raghunath Yadav, S/o Shiv Shankar Mandal, R/o Village and PO-Madhiya, PS-Basopatti, District-Madhubani.

... Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Baidya Nath Thakur, Adv. Mr. Kaushik Deo, Adv.
For the Respondent/s	:	Ms. Vagisha Pragya Vacaknavi, Adv. Mr. Binod Kumar Singh, Adv. Ms. Saatvika Singh, Adv.

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





6 19-01-2026

The instant Civil Miscellaneous application has been filed against the order dated 07.08.2025 passed by the 2nd Sub-Judge, Madhubani in TS No. 87 of 1985 whereby the petitioner's prayer to mark the judgment and decree filed therein be marked as Exhibits was rejected.

2. Learned counsel for the petitioner submits that he has filed Title Suit No. 87 of 1985 and as per his submission, earlier Partition Suit No. 111 of 1974 was filed in which judgment and decree was passed on the basis of compromise petition filed by both the parties. In the present suit, he has already filed the compromise petition earlier filed in Partition Suit No. 111 of 1974 and judgment and decree thereof passed in that suit but inadvertently that judgment and decree as well as compromise petition has not been marked as Exhibits due to his laches. Presently, this case is at the stage of final argument.

3. Learned counsel further submits that the above documents are essential for proper and complete adjudication of this case and copy of judgment and decree passed in Partition Suit No. 111 of 1974 is a public document whereas the compromise petition is not a public document.

4. Keeping in view the aforesaid facts and considering the fact that both the documents are essential for proper and





complete adjudication of this case, the impugned order dated 07.08.2025 stands set aside. The plaintiff/petitioner is afforded an opportunity to prove the aforesaid documents by producing the same in evidence and for this, he has to pay a cost of Rs. 4,000/- to the legal heirs of respondent no. 2 within a period of one month from the date of receipt of this order. The respondent will be given an opportunity for rebuttal of the above documents.

5. Since the case is of the year 1985, learned Trial Court is requested to dispose of the matter as early as possible. Both the parties are also requested to diligently co-operate in the trial.

6. With the aforesaid directions, the instant application stands disposed of.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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