

**IN THE COURT OF MUNSIF, TEGHRA, BEGUSARAI,
BIHAR**

Title Suit No. 73/2015

**In the matter of:
Kari Gope & Ors.**

..... Plaintiffs

Versus

Bibhesh Kumar & Ors.

..... Defendants

Presided over by:-
Shri Shailendra Kumar
Munsif, Teghra, Begusarai

Present: Ld. Counsel for the Plaintiff: *Sh. Anjani Kumar Singh, Adv.*
Ld. Counsel for the Defendant: *Sh. Girish Kumar Singh, Adv.*

ORDER

Pending adjudication of the captioned title suit, an application dated 22.08.2025 was filed on behalf of the Defendants, under Secs. 65(e), 65(f) 76 & 77 of the Indian Evidence Act, 1872 and 57(5) of the Registration Act, 1908, praying therein to “be pleased to direct the officer concerned of the court to exhibit the following certified copies of documents.”

1. Certified copy of letter No. 1024 dated 01.08.2014 issued by the officer of C.O. *Teghra* in case No. 2/2014-15.
2. Certified copy of report of *Anchal Amin* alongwith C.C. of survey Map submitted by the *Anchal Amin* in case No. 2/2014-15.
3. Certified copy of report of K.C. and C.I. submitted in case No. 2/2014-15.
4. Certified copy of registered sale deed dated 31.12.1939 standing with respect to suit land and other lands.
5. Certified copy of deed of gift dated 24.06.1988 standing with respect to suit land.
6. Certified copy of memo of application of case No. 51/2014-2015 filed by the plaintiffs before L.R.D.C. *Teghra*.
7. Certified copy of compromise petition filed by the plaintiffs of present suit and parties to case No. 51/2014-15 before D.C.L.R. *Teghra*.

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Ld. Counsel for the Defendants submits that the Defendants filed the above certified copies of documents which are relevant to the facts in issue of the suit. These certified copies of documents are issued by public officer and under section 76 of the Indian Evidence Act, 1872 are certified copies of public document and same are required to be taken admissible as evidence.

Certified copies of sale deed and gift deed are in compliance with the mandate of section 57(5) of the Registration Act, 1908, signed and sealed by the registering officer, hence, admissible for the purpose of proving the contents of the original documents.

Ld. Counsel for the Defendants also cites Hon'ble the High Court of Judicature at Patna, in the matter of **Abdul Rahman v. Md. Karu**, C.M.J. No. 1824 of 2018, wherein, it has been held that if a party files certified copy of any document or order, same can be exhibited and marked as exhibit with objection of other side.

Per Contra, the Plaintiffs preferred to file rejoinder dated 29.08.2025, wherein, the above application of the Defendants was vehemently opposed.

Ld. Counsel for the Plaintiffs argued that the instant application of the Defendants is not maintainable and are liable to be rejected.

Ld. Counsel for the Plaintiffs further argued that under the provision of Sec.63 of the Indian Evidence Act 1872, a certified copy is secondary evidence.

Ld. Counsel for the Plaintiffs argued that Hon'ble the Supreme Court of India, in the matter of **Kalyan Singh v. Chhoti**, AIR 1990 SC 396, wherein, it has been held that while dealing with secondary evidence under Sec.63 of the Evidence Act, that in view of the Sec. 53(1) read with section-79 of the Evidence Act, a certified copy of a registered sale deed may be produced as secondary evidence in absence of the original. It was also held that though ordinarily copies are not to be treated as 'Secondary evidence' unless such copies are again compared with the original.

Ld. Counsel for the Plaintiffs continued to argue that Sec.65(a) of Indian Evidence Act, 1872 also provides that when the original is shown or appears to be in the possession of the person against whom the document is sought to be proved or of any person out of reach of or not subject to the process of the court and when after the notice mentioned in sec.66 such person does not produce it. Also, when the existence, condition or contents of the original have been proved to be admitted in writing by the person against whom it is proved or by his representative in interest.

Ld. Counsel for the Plaintiffs submits that Section 68 of Indian Evidence

Act, 1872 provides a document is requires to be attested, and the same shall not be used as evidence until one attesting witness at least has been called for the purpose of proving its execution. Therefore, the documents pertaining to or issued by C.O., K.C., C.I, D.C.L.R. or A.D.M cannot be exhibited, in absence of proof.

Ld. Counsel for the Plaintiffs further submits in absence of proof of signature and handwriting the documents cannot be admitted, as provided under Sec.67 of Indian evidence Act.

Heard Ld. Counsel for the Plaintiffs and Defendants at length. Perused the record. From perusal, it appears pertinent to refer secs. 65 (e), (f), 76 & 77 of the Indian Evidence Act, 1872 which reads as:

“65. Cases in which secondary evidence relating to documents may be given. —Secondary evidence may be given of the existence, condition, or contents of a document in the following cases: —

(e) when the original is a public document within the meaning of section 74;

(f) when the original is a document of which a certified copy is permitted by this Act, or by any other law in force in 1[India] to be given in evidence;

76. Certified copies of public documents.—Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees there for, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof, as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal; and such copies so certified shall be called certified copies.

Explanation. —Any officer who, by the ordinary course of official duty, is authorized to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

77. Proof of documents by production of certified copies.— Such certified copies may be produced in proof of the contents of the public documents or parts of the public documents of which they purport to be copies.”

From the reading of above provision, it appears that the law provides to consider secondary evidences into evidence.

In the instant suit, the documents of the Defendants appear to be of the

nature of secondary evidence.

Therefore, keeping in view the provision above mentioned, this Court is inclined to allow the instant application, in the interest of justice.

O/C is directed to mark the following documents exhibited-

1. Certified copy of letter No. 1024 dated 01.08.2014 issued by the officer of C.O. *Teghra* in case No. 2/2014-15.
2. Certified copy of report of *Anchal Amin* alongwith C.C. of survey Map submitted by the *Anchal Amin* in case No. 2/2014-15.
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6. Certified copy of memo of application of case No. 51/2014-2015 filed by the plaintiffs before L.R.D.C. *Teghra*.
7. Certified copy of compromise petition filed by the plaintiffs of present suit and parties to case No. 51/2014-15 before D.C.L.R. *Teghra*.

With this order, the instant application and respective rejoinder are being disposed of.

Put up on **28.11.2025**.

Munsif
Teghra, Begusarai
21.11.2025