

IN THE COURT OF SUB-JUDGE I, JAGDISHPUR, BHOJPUR AT ARA

Title Suit Case No. 208/1997

CIS No. 208/1997

Date of Order or Proceeding	Order with the Signature of the Court	Office action taken with
08.06.2023	<p>Both sides have filed their hazri. Case called out. On call Ld. Advocate both sides appeared. Ld. Advocate of plaintiff pressed his petition dated 24.04.2023 and rejoinder there on dated 16.05.2023</p> <p>Ld. Advocate of plaintiff submitted that plaintiff has filed the document from his custody which are public document such as certified copies of sale deed, certified copy of order sheet, certified copy of judgment and decree of T.S.No. 172/1994, certified copy of khatiyani. Ld. Advocate of plaintiff submitted that these documents are necessary documents for the adjudication of this case therefore prayed for marking as exhibits.</p> <p>Ld. Advocate of defendants opposed the said petition by the way of his rejoinder dated 16.05.2023 and submitted that plaintiff's petition is based on wrong facts and liable to be dismissed and what ever document produced by the plaintiff will not be marked exhibit on the basis of petition. Further Ld. Advocate of defendant submitted that plaintiff has not filed the original copy of sale deed bearing deed no. 10154/1994 dated 06.09.1994 and sale deed bearing No. 10155/1994 dated 06.09.1994 executed by Ram Daso Kunwar in favour of Kamla Devi. Therefore, plaintiff's petition is liable to be dismissed. Further Ld. Advocate of defendant submitted that certified copy of judgment and decree produced by the plaintiff could be marked at the time of oral evidence only. Therefore, plaintiff's petition is not maintainable and prayed for dismissal of the said petition.</p> <p>Heard both sides and perused the case record. From the perusal of case record, it transpires that plaintiff has prayed for the exhibit of filing document showing as public document-</p> <ol style="list-style-type: none">1. Certified Copy of judgment and decree of T.S.No. 172/1994.2. Certified Copy of sale deed bearing deed No. 10154/1994 dated 06.09.1994.3. Certified Copy of sale deed bearing deed No. 10155/1994 dated 06.09.1994.4. Certified Copy of Khatiyani of khata no. 103 Mauja Chorghat and5. Certified Copy of order sheet dated 07.06.1994 to 10.07.1997 passed in T.S.No. 172/1994. <p>On the perusal of case record, it transpires that document mentioned by the plaintiff in his petition comes under the perusal of public document and presently plaintiff's evidence is going on therefore, for the interest of justice said petition allowed. B/c is directed to put the record after lunch for hearing on plaintiff's both petitions dated 16.05.2023 and rejoinder thereon dated 05.06.2023.</p> <p style="text-align: center;">Dictated</p> <p style="text-align: center;">Sub Judge-I, Jagdishpur, Bhojpur.</p>	

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Later on 08/06/2023	<p>Case called out. On call Ld. Advocate both sides appeared. Heard Ld. Advocate of plaintiff and defendant on plaintiff's both petitions dated 16.05.2023 and rejoinder thereon dated 05.06.2023.</p> <p>Ld. Advocate of plaintiff submitted that plaintiff has filed two separate petitions on dated 16.05.2023. Ld. Advocate of plaintiff submitted that plaintiff has filed first petition for permission to get the document in evidence filed by the plaintiff. Ld. Advocate of plaintiff submitted that presently plaintiff's evidence is going on and plaintiff has found the report of Karmchari and C.I. and order passed in Mutation Case No. 162/2011-12 and revenue receipt dated 20.07.2011 and On Line Computerized revenue receipt dated 25.04.2023 which are necessary document for the adjudication of this case. Therefore, prayed for permission to the plaintiff for getting said document in evidence. Further Ld. Advocate of plaintiff submitted that plaintiff has also filed another petition for marking exhibits above said document as report of Karmchari and C.I. and order passed in Mutation Case No. 162/2011-12 and revenue receipt dated 20.07.2011 and On Line Computerized revenue receipt dated 25.04.2023 are necessary document for the adjudication of this case. Therefore, these documents may be marked as exhibit.</p> <p>Ld. Advocate of defendant opposed the said petition through his rejoinder dated 05.06.2023 and submitted that said petition is based on wrong facts and plaintiff has filed the said petition only to delay the proceeding of case and harass the defendants. Further Ld. Advocate of defendant submitted that order sheet filed by the plaintiff passed in Mutation Case can not be marked exhibit because in this case decree has been passed by the Hon'ble High Court, Patna in favour of defendant. Therefore said petition is not maintainable and plaintiff has also filed the revenue receipt which can not be mrked exhibit and plaintiff has also not justify the reasonable reason for delay and finally prayed for the dismissal of both petitions.</p> <p>Heard and perused the case record. On the perusal of case record, it transpires that on dated 16.05.2023 plaintiff has filed two separate petitions in which plaintiff has filed one petition for permission for getting his documents in evidence and defendant has opposed the said petition on the point of delay but this is established principle of law that any issues shall be decided on its merit not on the technical ground. Therefore, for the ends of justice, petition dated 16.05.2023 for condoning the delay allowed with cost of Rs. 1500/- payable to the defendant.</p> <p>On perusal of case record, it transpires that on dated 16.05.2023 plaintiff has filed another petition for marking exhibit of his document i.e. report of Karmchari and C.I. and order passed in Mutation Case No. 162/2011-12 and revenue receipt dated 20.07.2011 and On Line Computerized revenue receipt dated 25.04.2023 for marking as public document. On the perusal of case record, it transpires that only the order sheet filed by the plaintiff passed in Mutation case no. 162/2011-12 which is also includes the report of Karmchari and C.I. comes under the perview of public document therefore, said petition allowed in part for marking exhibit only public document with the cost of Rs. 500/- payable to the defendant. Plaintiff may get exhibit and other document through the due process of law. Put up on 15.06.2023 for plaintiff's evidence.</p> <p style="text-align: center;">Dictated</p> <p style="text-align: center;">Sub Judge-I, Jagdishpur, Bhojpur.</p>	
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