

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
04.07.2023	Both sides have filed their hazri and plaintiff has filed a petition. Case called out. On call Ld. Advocate both sides appeared. Ld. Advocate of plaintiff pressed his petition dated 02.05.2023, 23.05.2023, 20.06.2023 and today's petition and rejoinder thereon dated 05.06.2023. Ld. Advocate of plaintiff submitted that plaintiff has filed written statement of T.S. no. 172/1994 in which defendant Kamla Devi wife of Ram Sighasan Thakur had filed written statement. Ld. Advocate of plaintiff submitted that written statement is a admitted document between both sides therefore, it may be marked exhibit. Ld. Advocate of defendant opposed the said petition by the way of his rejoinder dated 05.06.2022 and submitted that any certified copy of written statement cannot be marked exhibit without proper prove by assisting witness. Heard Ld. Advocate of both sides and perused the case record. From the perusal of case record, it transpires that plaintiff has filed certified copy of written statement of T.S. 172/1994 and prayed for marking it exhibit as it is admitted document. Defendant opposed the said petition and submitted that it is not admitted document and it can be marked only through assisting witness. The document produced by the defendant i.e. Certified Copy of written statement comes under the perview of private document for which there is a specific provision for proving the document therefore, in the light of above discussion and specific denial by the defendants about the said written statement, plaintiff's petition dated 02.05.2023 for marking the exhibit of certified copy of written statement dismissed. Plaintiff may get it mark exhibit through the process provided under the law. Ld. Advocate of plaintiff further submitted through his petition dated 20.06.2023 that plaintiff has filed online computerized revenue receipt for the land situated in village Charchat bearing Thana no. 81 Khata no. 103 Plot no. 1417, 1145, 1146 and prayed for marking it exhibit as secondary document. Ld. Advocate of defendant opposed the said petition through his rejoinder dated 27.06.2023 and submitted that revenue receipt produced by the plaintiff came into existence during the pendency of the case and the land for which revenue receipt has been produced by the plaintiff, in respect of that land plaintiff has already defeated in the Hon'ble High Court therefore, said document is not relevant for this case and prayed for rejecting the said petition. Heard Ld. Advocate of both sides and perused the case record. From the perusal of case record, it transpires that plaintiff has filed print out of an online computerized revenue receipt dated 25.04.2023 and prayed for marking it exhibit. On the perusal of case record, it transpires that the submitted revenue receipt came into the existence on dated 25.04.2023 and produced document is print out of paid revenue for which there is specific	

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Cont. 04/07/2023	provision under the law for proving before the Court. Therefore, in the light of above discussion, petition of plaintiff dated 20.06.2023 dismissed and plaintiff is as liberty that he may get it exhibit through the process provided in law. Thereafter, Ld. Advocate of plaintiff pressed his petition dated 23.05.2023 and prayed for adding one issue on the legal point provided under section 22 of Hindu Succession Act 1956. Ld. Advocate of defendant opposed the said petition through his rejoinder dated 05.06.2023 and submitted that after the completion of evidence, plaintiff does not have right to recast issue. Heard both sides and perused the case record. From the perusal of case record, it transpires that plaintiff has added the fact through amended relating to the Section 22 of the Hindu Succession Act 1956 in para 7A of his plaint. Therefore, on the basis of said pleading plaintiff's petition dated 23.05.2023 allowed and issue recast. Thereafter Ld. Advocate of plaintiff pressed his today's petition and submitted that due to the slip of pen the name of Karmchari has been wrongly typed Karmchari Krishna Singh in place of Bhushan Singh @ Chandra Bhushan Singh in order dated 15/06/2023 and in order dated 08/06/2023 the date of revenue receipt typed as dated 20.07.2011 in place of 30.07.2011. Ld. Advocate of defendant has not opposed the said petition. Heard and perused the case record. From the perusal of case record, it transpires that on dated 15.06.2023 plaintiff has produced one formal witness namely Sunil Kumar Singh on whose identification revenue receipt no. 806710 dated 30.07.2011 which is in writing and small signature of Bhushan Singh marked exhibit 1/A but due to typing mistake the name of karmchari typed in order dated 15/06/2023 Karmchari Krishna Singh in place of Bhushan Singh @ Chandra Bhushan Singh and due to typing mistake in order dated 08/06/2023, date of revenue receipt typed as dated 20.07.2011 in place of 30.07.2011. Therefore, in the light of above facts and circumstances plaintiff's today petition allowed and Bench Clerk is directed to correct name of Karmchari in today's order sheet and the date of revenue receipt will be read as dated 30.07.2011 in place of 20.07.2011 in order dated 08/06/2023 and the name of Karmchari Krishna Singh will be read as a Karmchari Bhushan Singh @ Chandra Bhushan Singh in place of Karmchari Krishna Singh in order dated 15/06/2023. As requested, and considering the age of the case, one and last chance given to the plaintiff for producing the evidence. Put up on 11.07.2023 for plaintiff's evidence. Dictated Sub Judge-I, Jagdishpur, Bhojpur.	
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