

IN THE COURT OF CIVIL JUDGE (JUNIOR DIVISION)

Subdivisional Civil Court- Gogari

Title Suit no.47/1998

Present: Kudus Ansari, Munsif, Gogari

Schedule XLII-High Court(J) 19 [Old (M)164]

Sl.	Date of Order of Proceedings	Order with signature of the Court	Office action taken with date
1	2	3	4
	03.07.23	<p align="center"><u>ORDER</u></p> <p>A petition dated 19/06/2023 u/s 74 & 77 of evidence Act is filed on behalf of defendants. Rejoinder is also filed by the plaintiffs on 26.06.2023. Record is produced for hearing and order on the petition dated 19/06/2023 filed by defendants.</p> <p>It is submitted by the learned counsel for the defendants that defendants have filed certificates (<i>praman patra</i>) issued by the Bhoodan Yagna Committee, Khagaria which are following:-</p> <ol style="list-style-type: none">1. Certificate (<i>praman patra</i>) dated 02.12.1991 issued in the favour of Arjun Sharma s/o Bande Sharma.2. Certificate (<i>praman patra</i>) dated 21.02.1991 issued in the favour of Sanjay Sah.3. Certificate (<i>praman patra</i>) dated 02.12.1992 issued in the favour of Laxman Muni s/o late Chhabila Muni.4. Certificate (<i>praman patra</i>) dated 02.12.1991 issued in the favour of Kamli Sharma.5. Certificate (<i>praman patra</i>) dated 02.12.1991 issued in the favour of Ganpati Sharma.6. Certificate (<i>praman patra</i>) dated 02.12.1991 issued in the favour of Mosst. Barati Devi.7. Certificate (<i>praman patra</i>) dated 02.12.1991 issued in the favour of Uchit Sharma.	

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<p><u>Contin...</u> 03.07.23</p>	<p>8. Certificate (<i>praman patra</i>) dated 02.12.1991 issued in the favour of Ranjeet Sharma s/o Uchit Sharma.</p> <p>9. Certificate (<i>praman patra</i>) dated 02.12.1991 issued in the favour of BhumiLal Sharma s/o Harilal Sharma.</p> <p>10. Certificate (<i>praman patra</i>) dated 02.12.1991 issued in the favour of Arun Das s/o Suresh Das.</p> <p>11. Certificate (<i>praman patra</i>) dated 02.12.1991 issued in the favour of Vishnudev Sharma s/o Janardan Sharma.</p> <p>The above mentioned certificates are issued by the public officer under Bihar Bhoodan Yagna Act, 1954 and these documents are public documents and relevant to the instant case. Therefore in the interest of justice these documents may be exhibited in the series of defendants.</p> <p>On the other hand plaintiffs have ardently opposed the aforesaid prayer of the petitioner-defendants and submitted that the instant petition is not maintainable either in fact or law. The certificates issued by the Bhoodan Yagna Committee is not a public document hence the same will not be marked as an exhibit with proof the same as witness.</p> <p>Heard both the side and perused the case record. The suit is at defendants evidence and the above mentioned documents are relevant to the present case. These certificates are issued by the Bhoodan Yagna Committee, which constituted by state government u/s 4 of Bihar Bhoodan Yagna Act, 1954. The above mentioned certificate issued by the Bhoodan Yagna Committee u/s 14 of Bihar Bhoodan Yagna Act, 1954, in favour</p>	
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<p><u>Contin...</u> 03.07.23</p>	<p>of above mentioned persons. Therefore it appears that these certificates are public documents as it is outcome of official duty of public officer in due course. Moreover, the Hon'ble Apex Court in Bipin Shantilal Panchal vs State of Gujarat AIR 2001 SC 1158 re-casted the procedure for marking the document as exhibit in case of objection in following words "Whenever an objection is raised during evidence taking stage regarding the admissibility of any material or item of oral evidence the trial court can make a note of such objection and mark the objected document tentatively as an exhibit in the case (or record the objected part of the oral evidence) subject to such objections to be decided at the last stage in the final judgment. If the court finds at the at the final stage that the objection so raised is sustainable the judge or magistrate can keep such evidence excluded from consideration. In our view there is no illegality in adopting such a course."</p> <p>In the light of aforesaid discussion and reasons as well as facts and circumstances of this case, the petition dated 19.06.2023 is hereby allowed. Let the documents as mentioned above be marked as exhibit in the series of defendants.</p> <p>Put up on 05.07.2023 for defendants evidence.</p> <p>Dictated</p> <p>Munsif, Gogari</p>
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