

**IN THE COURT OF CIVIL JUDGE (SD), GOGARI, KHAGARIA
PRESIDED BY SH. SUMIT KUMAR SINGH**

TITLE SUIT NO. 33 OF 2015 (K)

IN THE MATTER OF:

SHYAM SUNDAR KHETAN (DEAD) & ORS. ...PLAINTIFFS

VERSUS

RAJIV KUMAR KHAITAN

...DEFENDANT

*(ORDER ON APPLICATION DATED 22.04.2024 BY DEFENDANT FOR MARKING IN
EVIDENCE CERTAIN DOCUMENTS)*

ORDER

24.04.2024

Present application dated 22.04.2024 has been filed by the defendant praying inter-alia for marking the documents mentioned in the application as evidence of the defendant. It has been contended that the documents are public document and the same is required to be marked into evidence to prove the case of defendants. The documents are official order circulated by the Chief Engineer, NH Road Construction Department, Patna dated 27.02.2012, order dated 27.02.2012 passed by Dy. Secretary of Lokayukta, Bihar, six postal receipts, two acknowledgement dues, certified copy of order dated 04.12.2010 passed by Sub. Judge, Khagaria in Execution

Case No. 9 of 2000. It was contended that the documents have been filed on 27.02.2024 and permission was granted by this Court on 18.03.2024. Hence, prayer was made to mark the documents.

On the other hand plaintiffs have contended that the documents are not related to the pleadings of the defendant. It was also contended that the documents were not explained as to how the same are relevant for the present suit. Hence, prayer was made to dismiss the application.

Heard Id. counsel for the parties and perused the record. In the written statement of defendant it has been contended that the matter crop up regarding Shyam Sundar Khaitan and Kedarnath Khaitan regarding their partnership firm. Some amount was due with the State of Bihar for which a money suit MS 51 of 1965 was instituted. The suit was decreed and the amount was to be paid by the State of Bihar. However, Kedarnath Khaitan filed execution case Ex. 9 of 2000 without consulting Shyam Sundar Khaitan. Thus, the above documents came into existence. As such there are ample pleading by the defendants for explaining the relevancy of the documents. The documents have not been

objected by the plaintiff on the ground that they are not public documents. As such the application is hereby allowed. Let the document be marked into evidence for the defendant. List the matter on 20.05.2024 for further evidence of defendant.

Civil Judge (SD)