

IN THE COURT OF CIVIL JUDGE (JUNIOR DIVISION)

Subdivisional Civil Court- Gogari

Title Suit no.20/2007

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
	11.07.23	<p style="text-align: center;"><u>ORDER</u></p> <p>A petition dated 12/06/2023 is filed on behalf of plaintiffs. Rejoinder is also filed by the defendant today. Record is produced for order on the petition dated 12/06/2023 filed by plaintiffs.</p> <p>It is submitted by the learned counsel for the petitioner that the plaintiffs have filed some original documents on 18.12.2017 which are following:-</p> <ol style="list-style-type: none">1. Certified copy of decree and judgment passed by Hon'ble Patna High Court in Appeal from appellate Decree No.1197/1925 dated 11.05.1928.2. Certified copy of decree and judgment passed No.1197/1925 in Title Suit No.33/1923 by Hon'ble First Court Munge dated 03.04.1924.3. Certified copy of sale deed No.3433 dated 18.08.2001.4. Certified copy of sale deed No.690 dated 09.03.2000.5. Certified copy of sale deed No.669 dated 18.03.2005.6. Certified copy of sale deed No.670 dated 18.03.2005.7. Certified copy of order passed by D.C.L.R. Gogari in mutation case No.27/06-07 dated 30.06.2008.8. Certified copy of order passed by Id Munsif, Gogari in Miscellaneous case No.03/2007 dated 11.06.2015.	

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<p><u>Contin...</u> 11.07.23</p>	<p>9. Certified copy of order passed by Id District and Session Judge in Criminal Revision case No.29/2007 dated 28.04.2007.</p> <p>10.Certified copy of order passed by Id District and Session Judge Khagaria in Cr. Revision case No.28/2007 dated 28.04.2007.</p> <p>11.Certified copy of order passed by Id District Judge, Khagaria in Miscellaneous Appeal No.02/2007 dated 03.08.2007.</p> <p>12.Certified copy of Police report in non-F.I.R No.04/07 u/s 144 of Cr.P.C.</p> <p>13.Certified copy of Police report in non-F.I.R No.14/07 u/s 107 of Cr.P.C. and case no.74(M)/07.</p> <p>14. Original Notice sent by Police, Gogari to Gauri pd. Sah dated 06.08.2007.</p> <p>15.Certified copy of application filed in Criminal Revision No.17/2007.</p> <p>16.Certified copy of sale deed no.728 dated 15.03.2000.</p> <p>17.Certified copy of sale deed no.6142 dated 22.12.2009.</p> <p>18.Original Notice sent by S.D.M. Gogari in Miscellaneous case no.269(M)/07 dated 08.06.2007.</p> <p>19.Original Notice sent by S.D.M. Gogari in Miscellaneous case no.73(M)/07.</p> <p>20.Certified copy of order dated 21.01.2007 passed by S.D.M. Gogari in case no.472(M)/2006 u/s 145 of Cr.P.C.</p>	
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<p><u>Contin...</u> 11.07.23</p>	<p>21.Original Notice send by S.D.M. Gogari in case no.476 (M)/06 u/s 107 of Cr.P.C.</p> <p>22.Original Notice dated 05.12.2006 sent by S.D.M. Gogari in Miscellaneous case no.472(M)/06 u/s 144 of Cr.P.C.</p> <p>The defendants have ardently opposed the aforesaid prayer of the petitioner-plaintiffs and submitted that the instant petition is filed without any legal provision. The defendants mentioned at para-1 to 6, 16,19 to 21 and 23 are out of pleading. Hence the petition under reply is fit to be rejected.</p> <p>Heard both the side and perused the case record. From perusal of case record it transpires that the documents mentioned at serial No.2 and 22 are not filed by the plaintiff on 18.12.2017. The suit is at the evidence stage of plaintiffs. The above mentioned documents are appears to be relevant for the purpose of this suit and appears necessary for complete and effective adjudication. It is true that the petitioners have prayed for leave of file these documents at belated stage, but it is equally true that it is a Cardinal rule of law that the best evidence must be brought on the record so as to adjudicate the matter in issue completely and effectively. So far as the objections of the defendants are concerned, they are at liberty to file any documents in the rebuttal of the same. The admissibility of the above mentioned documents will be decided at the final hearing of the suit.</p>	
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	<p>In the light of aforesaid discussion and having regard to the facts and circumstances of this case. The petition dated 12/06/2023 is allowed subject to payment of cost of Rs. 800/- to the defendants. The leave to file mentioned documents, except mentioned at serial No.2 and 22, is granted. The plaintiffs are directed to prove the rent receipts. Put up on 17.07.2023 for plaintiffs evidence.</p>	
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Dictated

Munsif, Gogari