

IN THE COURT OF MUNSIF, SHAHPUR PATORI, SAMASTIPUR

Present P.O. Sri Piyush Ranjan

Eviction Suit No. 02/2015

Md. Sayeed

...Plaintiff

Versus

Kameshwar Prasad Jaiswal

...Defendant

Date	Order with signature of the Magistrate	Remarks
<u>16.07.26</u>	Heard learned counsel for both the parties. The plaintiff has filed this present objection petition dated 25.09.2025 seeking to restrain the defendant's from exhibiting certain receipt referred in examination-in-chief filed on 12.09.2023, by the defendant primarily on the ground that such receipts do not disclose any specific date or serial number and are vague in nature, thereby having the potential to mislead the court. It is further noticed that objection petition was initially not supported by affidavit and the requisite affidavit was subsequently brought on record on 11.02.2025 after obtaining due leave from the court. Per contra, the defendant's by reply dated 03.12.2025 contended that the objection is a mere dilatory, intended to protract the proceedings. It is submitted that receipts sought to be exhibited are original documents which had already been filed on 07.01.2023 and the examination-in-chief has been tendered only to prove the execution after considering of the same. It was also submitted that any dispute regarding the authenticity, evidentiary value and probative force of the said document is a matter to be tested during examination-in-chief and appreciated at the stage of final adjudication. Upon due consideration on the rival submissions, this Court finds that the objections raised by plaintiff are essential to the evidentiary value, genuineness and reliability of documents and not to their admissibility in law. The mere absence of a date or serial number on a documents does not, by itself renders it inadmissible in evidence. Such deficiencies, if any undoubtedly bear upon the	

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<u>cont...</u> 16.07.26	weight to be attached to the document and are matters to be scrutinized after the witness is subjected to cross examination and the evidence is appreciated in its entirety. It is also a settled principle that objections relating to probative worth or credibility of any document are distinct from objections relating to its admissibility. While the former are to be adjudicated at the stage of appreciation of evidence, the latter alone warrant exclusion of the documents at its threshold. The objection raised in present case unmistakably fall within the former category. The apprehension expressed by plaintiff that the document can mislead the Court is misconceived. The judicial process itself provides adequate safeguard by permitting the opposite party to cross examine the witness and challenge the authenticity of any document and give evidences in this regard during the trial. Accordingly the Court finds no legal justification to prohibit the defendant's from exhibiting the documents sought to be proved through his examination-in-chief. Needless to observe, the exhibition of document shall not <i>ipso facto</i> amount to prove of their contents or genuineness, and plaintiff shall remain at liberty to challenge the same during the cross examination and also at the time of final arguments. Hence the objection petition filed by plaintiff dated 25.09.2025 is hereby <u>rejected</u>. The defendant shall be permitted to exhibit the same documents in accordance with law subject to plaintiff's right to dispute the authenticity, relevance and evidentiary value of the same. Put up on 30.07.2026 for defendant evidence. Dictated  C.J.J.D. Shahpur Patori	
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