

ORDER BELOW EXH. 99 IN RCS NO. 90/2018

1. Present application is filed to exhibit the documents produced below Exh. 4, Serial No. 14.
2. It is submitted that, present suit is filed against the order passed by Tehsildar in रस्ता/अडथळा/एस.आर./१३/२०१८ to restrain defendants from obstructing into his peaceful possession. Accordingly evidence of plaintiff is adduced. The plaintiff intended to rely on the map issued by SLR of village Yedenipani. This document is prepared by SLR while measuring the entire village, therefore, it be exhibited.
3. Per contra, defendants objected the application. It is submitted that map cannot be exhibited unless proved. Thus, prayed to reject the application.
4. Heard both sides. Perused record.
5. Present suit is filed for injunction and declaration against the operation and execution of order passed by Tehsildar in respect of litigation about road from plaintiff's field.
6. The plaintiff has adduced his evidence. Now the plaintiff prayed to exhibit the certified copy of map. At the outset of submission of both sides it is made clear that plaintiff prayed to exhibit the map as it was prepared by the SLR in discharge of duty and not for any limited purpose. However, defendant objected to exhibit it as map needs to be proved.

7. On going through provisions of evidence Act it makes clear that the map which is prepared for limited purpose needs to be meticulously proved. However, the village map prepared by the State Authority to survey and measure the village has its own value in evidence. Therefore, those maps can be taken into consideration.

8. Herein the present case, the plaintiff prayed to exhibit the document at Serial No. 14 of Exh. 4, certainly it is village map. However, it is not produced in the form of certified copy. Therefore, it would not be possible to exhibit it as it is.

9. For the above reasons I come to the conclusion that the application deserves to be rejected. Accordingly, following order.

ORDER

(1) Application is rejected in present set of facts.

(2) No order as to costs.

Islampur
Date : 10/10/2023.

(M.M. Chitale)
Joint Civil Judge Senior Division,
Islampur

ORDER BELOW EXH. 100 IN RCS NO. 90/2018

1. Plaintiff prayed to issue witness summons to photographer to prove the photographs produced on record.
2. It is submitted that, present suit is filed against the order passed by Tehsildar in रस्ता/अडथळा/एस.आर./१३/२०१८ to restrain defendants from obstructing into his peaceful possession. Accordingly evidence of plaintiff is adduced. Now plaintiff want to prove the obstruction and illegal acts of defendants by proving photographs already produced on record. Thus, prayed to issue suit summons.
3. Defendants filed their Say and strongly resisted the application. It is submitted that the photographs do not have any nexus or consonance with the fact-in-issue. Just to prolong the proceeding, without any legal rights, present application is filed. It is argued that, the plaintiff failed to file list of documents and therefore he is not entitled to ask for issuance of witness summons.
4. Heard both sides. Perused record.
5. In present suit, the plaintiff's evidence is already adduced. Defendants failed to cross examine said witness for the period not less than six months, therefore, 'No Cross' order came to be passed. Thereafter, present application is filed to issue witness summons to prove the documents produced on record.
6. It is true that unless list of witness is filed, the party is not entitled to issue witness summons, provided that, summons can be

issued to witnesses with the satisfaction of the Court.

7. The plaintiff submitted that the photographs are the documents which can be proved by the photographer who snapped them. Therefore, to adduce cogent evidence to prove the obstruction and interference, those photographs are required to be proved.

8. It is settled position that to prove the photographs, the evidence of photographer who snapped them, along with either negative of the same or certification of digital evidence as the case may be, is necessary. Therefore, the plaintiff satisfactorily shown the necessity to examine the photographer. Hence, application needs to be allowed. Accordingly following order.

ORDER

(1) Application is allowed.

(2) Witness summons be issued to photographer of Sagar Photo Studio to adduce and produce evidence, as sought.

Islampur
Date : 10/10/2023.

(M.M. Chitale)
Joint Civil Judge Senior Division,
Islampur