

T.S 59/17 (CIS REG. NO. 09/14)

Order No. 60 Dated 19.01.18

Today is fixed for evidence of State defendant.

Both the parties file their respective hazira through Ld. Advocates.

The State defendant files a petition for marking documents as exhibits along with the documents with firishti.

The petition is taken up for hearing.

Ld. Advocate for the State defendant submits that the certified of R.S Khatian no. 2 and plot information of L.R Dag no. 1 and 4 are public documents and produced from the custody of the authorized Department. These documents can be marked as Exhibits. There is also a statement of facts issued by the concerned B.L & L.R.O which is needed to be marked as Exhibits for the proper adjudication of this suit.

Ld. Advocate for the plaintiffs submits that these documents are no where mentioned by the State in their written statement. Plaintiff has objection in marking the same as Exhibits. If it at all be marked as Exhibits, it should be marked with objection. The Statements of fact cannot be marked as Exhibits.

Heard.

Considered.

After perusal of the petition and the record, it appears that the State has mentioned in the written statement that suit property is duly recorded in the name of the State in L.R operation. Therefore, such record of rights is not beyond pleading. I am of the opinion that as a certified copy of public documents, these can be marked as Exhibits. I am also of the opinion that the Statement of facts is not a public record and cannot be exhibited in this manner.

Hence, it is,

ORDERED

that the instant petition be and the same is **considered** and **allowed in part** on contest. There will be no order as to costs.

Let the certified of R.S Khatian no. 2 and plot information of L.R Dag no. 1 and 4 of Mouza- Parbatipur be marked as Exhibit- 'A', 'B' and 'C'. Let the Statement of facts be marked as 'X' for identification.

Ld. Advocate for the State defendant verbally prays for closing of the evidence. Let the evidence be closed and fixed the suit for argument.

Fix **13.02.18** for argument.

Typed. By me.

Civil Judge, (Jr. Div.) Addl Court,
Garhbeta, Paschim Medinipur.

Civil Judge, (Jr. Div.) Addl Court,
Garhbeta, Paschim Medinipur.