

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 5048/2026

- 1 Jamila Bano Wife Of Late Hameed Khan, Aged About 66 Years, Resident Of Ward No. 27, Near Chudiwalon Ki Haveli, Nawalarh, Tehsil Nawalgarh, District Jhunjhunu (Raj.)
- 2 Gaffar Son Of Late Hameed Khan, Aged About 52 Years, Resident Of Ward No. 27, Near Chudiwalon Ki Haveli, Nawalarh, Tehsil Nawalgarh, District Jhunjhunu (Raj.)
- 3 Sattar Son Of Late Hameed Khan, Aged About 39 Years, Resident Of Ward No. 27, Near Chudiwalon Ki Haveli, Nawalarh, Tehsil Nawalgarh, District Jhunjhunu (Raj.)
- 4 Sharif Son Of Late Hameed Khan, Aged About 33 Years, Resident Of Ward No. 27, Near Chudiwalon Ki Haveli, Nawalarh, Tehsil Nawalgarh, District Jhunjhunu (Raj.)
- 5 Majeed Khan Son Of Najri Khan, Aged About 72 Years, Resident Of Ward No. 27, Near Chudiwalon Ki Haveli, Nawalarh, Tehsil Nawalgarh, District Jhunjhunu (Raj.)
- 6 Babu Khan Son Of Najri Khan, Aged About 69 Years, Resident Of Ward No. 27, Near Chudiwalon Ki Haveli, Nawalarh, Tehsil Nawalgarh, District Jhunjhunu (Raj.)

----Petitioners/Plaintiffs

Versus

- 1 Hanif Khan Son Of Mohd. Ali Khan, Aged About 89 Years, Resident Of Flat No. A-2, Saltar Building No.35 Sarli Rajan Road, Behind Icity Bank, Bandra Thana Khaar West Mumbai (Maharashtra)
- 2 Naushad Son Of Hanif Khan, Aged About 54 Years, Resident Of Flat No. A-2, Saltar Building No.35 Sarli Rajan Road, Behind Icity Bank, Bandra Thana Khaar West Mumbai (Maharashtra)
- 3 Imtiyaz Son Of Iqbal Ali, Aged About 69 Years, Resident Of 303 Kenan Cooperative Housing Society 23 V Road, Bandra, Police Station Khaar West Mumbai (Maharashtra)
- 4 Ahamad Son Of Mohd. Ali Khan, Aged About 84 Years, Resident Of Flat No. 701, Landmark Residency, Jons Road Off Pali Road Bandra, Police Station Khaar, West Mumbai (Maharashtra)

- 5 Jaiyad Son Of Ahamad Khan, Aged About 39 Years, Resident Of Flat No. 701, Landmark Residency, Jons Road Off Pali Road Bandra, Police Station Khaar, West Mumbai (Maharashtra)
- 6 Juber Son Of Ahamad Khan, Aged About 34 Years, Resident Of Flat No. 701, Landmark Residency, Jons Road Off Pali Road Bandra, Police Station Khaar, West Mumbai (Maharashtra)
- 7 Hakam Ali Son Of Mukarab Khan Malkan, Aged About 69 Years, Resident Of Ward No. 43, Nadipura Mohalla, Nawalgarh, Tehsil Nawalgarh, District Jhunjhunu (Raj.)
- 8 Executive Officer, Nagar Palika, Tehsil Nawalgarh, District Nawalgarh, Jhunjhunu (Raj.)

-----Respondents/Defendants

For Petitioner(s) : Mr. Dhanraj Bhaskar
For Respondent(s) :

HON'BLE MR. JUSTICE BIPIN GUPTA
Judgment / Order

25/03/2026

1. The present writ petition has been filed assailing the order dated 21.02.2026, passed by learned Gram Nayalaya, Nawalgarh, District Jhunjhunu, in Civil Suit No. 14/2022, whereby the application filed by the plaintiff-petitioner under Order 7 Rule 14 CPC has been rejected.
2. Brief facts of the case are that a suit for permanent injunction was filed by the plaintiffs-petitioners against the defendants-respondents. During the course of the proceedings, the plaintiffs-petitioners filed an application under Order 7 Rule 14 CPC for taking on record a pen drive containing photographs and video recordings of the site in question.

3. After hearing both the parties, the learned Trial Court dismissed the said application vide order dated 21.02.2026.

4. Aggrieved by the same, the plaintiffs-petitioners have preferred the present writ petition.

5. Learned counsel for the petitioner submits that the Court below rejected the application on the ground that the documents sought to be produced by the plaintiff-petitioner were in the nature of photographs and recordings, and that only an affidavit had been filed along with such photographs and recordings. He contends that this amounts to a procedural irregularity, and therefore, the learned Trial Court has committed an illegality in rejecting the application.

6. Heard learned counsel for the petitioner and perused the material available on record.

7. This Court finds that the learned Trial Court has not committed any illegality in rejecting the application. For placing on record any electronic evidence, a certificate under Section 63 of Bharatiya Sakshya Adhiniyam, 2023 (hereinafter referred to as 'BSA, 2023') is mandatory. The documents were sought to be placed on record by the petitioner without the requisite certificate under Section 63 of the BSA, 2023, and a mere affidavit cannot be treated as a substitute for such certificate. Therefore, this Court finds no error warranting interference in exercise of its writ jurisdiction under Article 227 of the Constitution of India.

8. Accordingly, the present Civil Writ Petition stands dismissed.

9. However, the petitioner shall be at liberty to file an appropriate application along with the requisite certificate before the learned Trial Court. If any such application is filed, the learned

Trial Court shall consider and decide the same in accordance with law.

10. Pending application(s), if any, also stand disposed of.

(BIPIN GUPTA),J

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