

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 19417/2025

1. Vinod Poddar, Since Deceased Through Lrs.
 - 1.1 Vivek Poddar S/o Late Vinod Poddar, R/o Ward No. 26, Fatehpur, District Sikar, Presently Residing At Shri Krishna Mahal, 10 Baleshwar Road, Mumbai
 - 1.2 Rupa D/o Late Shri Vinod Poddar, R/o 26, Fatehpur, District Sikar, Presently Residing At Shri Krishna Mahal, 10 Baleshwar Road, Mumbai Through Power Of Attorney Holder Petitioner No. 1/1 Vivek Poddar S/o Late Vinod Poddar R/o 26, Fatehpur, District Sikar, Presently Residing At Shri Krishna Mahal, 10 Baleshwar Road, Mumbai.

----Petitioners/Defendants

Versus

1. Smt. Sarita Devi W/o Shri Vinod Ji Agarwal, Aged About 60 Years, R/o Ward No. 20, Fatehpur, District Sikar, Presently Residing At Plot No. 20, Kohinoor Planet Society, Old Sagvi Road, Behind Swaisar College, Pune Through Power Of Attorney Holder Shri Parag Sudhir Chitle S/o Late Smt. Uma Sudhir Chitle R/o 1/10, Shefali Ferozshah Road, Shantakunj, Mumbai
2. Smt. Shashi Devi W/o Shri Rajesh, Aged About 69 Years, R/o Jalimekar, Mpr No. 3, 10 Kapoor Road Mumbai 5 Through Power Of Attorney Holder Shri Parag Sudhir Chitle S/o Late Smt. Uma Sudhir Chitle R/o 1/10, Shefali Ferozshah Road, Shantakunj, Mumbai
3. Shri Parag Sudhir Chitle S/o Late Smt. Uma Sudhir Chitle, R/o 1/10, Shefali Ferozshah Road, Shantakunj, Mumbai
4. Smt. Preetiumeshmodi D/o Smt. Uma Sudhir Chitle, Through Power Of Attorney Holder Shri Parag Sudhir Chitle S/o Late Smt. Uma Sudhir Chitle R/o 1/10, Shefali Ferozshah Road, Shantakunj, Mumbai

.....Respondents/Plaintiffs

5. Vinay S/o Late Shrikishan, R/o Ward No. 26, Fatehpur, District Sikar, At Present Shri Krishan Mahal, 10 Baleshwar Road, Mumbai.
6. Smt. Geeta Jayantilal D/o Late Shri Sitaram, Aged About 72 Years, R/o 6, Hig Colony, Chhoti Khajrani Indore, M.p.
7. Hari Gopal Paddar S/o Shri Sitaram Poddar, Aged About

73 Years, R/o 6, Hig Colony, Chhoti Khajrani Indore, M.p.

8. Bal Gopal Poddar S/o Late Shri Sitaram Poddar, Aged About 68 Years, R/o D-21, Hig Colony, Chhoti Khajrani Indore, M.p.
9. Basant Poddar S/o Late Shri Sajjan Gopal Poddar, R/o Fatehpur, District Sikar.
10. Aditya Amar Singh S/o Amar Singh, R/o Ward No. 20, Fatehpur, District Sikar.
11. Anoop Kumar Bhuvalka S/o Late Motilal Ji Bhuvalka, R/o Shri Satyanarayan Trust Budh Marg, Patna-800001.
12. Smt. Asha Devi Bajoriay W/o Shri Devki Nandan Bajoriya, D/o Smt. Radha, R/o P-23, Sahitya Prasad Street, Calcutta.
13. Smt. Smita Jain @ Dimpy D/o Late Ram Gopalji Poddar, R/o 65A, Imperial Court, 33/1, Kunringam Road, Bangalore.
14. Smt. Vibha D/o Late Shri Sajjan Gopal, R/o Ward No. 20 Fatehpur, District Sikar.
15. Smt. Vinita D/o Late Shri Sajjan Gopal, R/o Ward No. 20, Fatehpur, District Sikar.
16. Smt. Geetaw/o Late Sajjangopal, R/o Ward No. 20, Fatehpur, District Sikar.
17. Smt. Manju Devi W/o Late Shri Ashok, R/o Shri Satyanarayan Trust Budh Marg, Patna-800001.
18. Nandgopal S/o Late Sitaram, R/o Ward No. 26, Fatehpur, District Sikar.
19. Harisingh S/o Shri Ganpat Singh, R/o Tajsar, Tehsil Fatehpur, District Sikar.
20. Payrelal S/o Shrimanglaram, R/o Laxminath Nagar, Ramgarhmarg, Kasba Fatehpur, District Sikar, Raj.
21. Mohanlal Poddar S/o Late Shri Prahladrai Poddar, R/o Ward No. 27 Naya Asharamji Ke Mandir Ke Pass, Kasba Fatehpur, District Sikar, Raj.
22. Shishu Pal Singh Ruhela S/o Shri Amraram Ruhela, R/o Gram Daultabad, Ward No. 52, Kasba Fatehpur, District Sikar, Raj.
23. Bhagwanram S/o Shri Chunaram, R/o Gram Kayamsar, Tehsil Ramgarh, District Sikar, Raj.

24. Narendra Hudda S/o Shri Tansukhram Hudda, R/o Gram Gangiyasar, Tehsil Fatehpur, District Sikar, Raj.

----Respondents No.5 to 24 Respondents/Defendants

For Petitioner(s) : Mr. Tanay Goyal

For Respondent(s) :

HON'BLE MR. JUSTICE BIPIN GUPTA

Judgment / Order

10/12/2025

1. The instant writ petition has been filed by the petitioner assailing the impugned order dated 24.11.2025 passed by the learned Additional District & Sessions Judge, Fatehpur, District Sikar in Civil Suit No.129/2016.

2. Learned counsel for the petitioner submits that the objection raised by the petitioner with respect to the document in the nature of photographs, has been rejected. Learned counsel further submits that the petitioner had objected to the said document on three grounds, namely: (i) the document is not on record; (ii) the document is not a primary document; and (iii) the document is irrelevant.

3. It is argued that the learned trial Court has considered only one objection namely, that the document is not on record and by applying the provisions of Order 8 Rules 1 (4), and Order 13 Rules 1(3) of the CPC, has overruled the said objection. However, the other two objections raised by the petitioner have not been considered by the Learned trial Court. Therefore, he, prayed that the order dated 24.11.2025 be quashed and set aside. He also prayed that the document in question may not be permitted to be taken on record and that the proposed question be rejected as being irrelevant.

4. Heard learned Counsel for the petitioner.

5. This Court finds that the photographs shown to the petitioner were solely for the purpose of refreshing his memory. For such purpose, a document may be shown to the witness during the course of cross-examination, and such a document may also be exhibited. It is further observed that, insofar as the admissibility of a document is concerned, the Court may defer the decision on admissibility to the stage of final hearing. It is a well-settled principle of law that mere marking or exhibition of a document does not, by itself, dispense with the requirement of proving the document in accordance with law.

6. Considering the settled legal principles of law, this Court is not inclined to interfere with the order dated 24.11.2025. However, it is made clear that the evidentiary value of the said photographs shall be determined by the learned trial Court at the stage of final hearing. The contention of the petitioner that the question put in cross-examination is irrelevant cannot be adjudicated at this stage, as the learned trial Court is the proper authority to allow or disallow any question during trial, and such issues are ordinarily not to be examined in writ jurisdiction under Article 227 of the Constitution of India.

7. For the foregoing reasons, the writ petition stands disposed of.

8. All pending application(s), if any, also stands disposed of.

(BIPIN GUPTA),J