

GAHC040015532024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)
(ITANAGAR BENCH)

Case No. : CRP/51/2024

Smti Omoty Tabing
Wife of Late Okong Tabing, resident of Village Upper Baskota, Pasighat, East Siang
District, Arunachal Pradesh 791102 2: Kaling Tabing

Age:

Occupation :

Son of Late Okong Tabing
resident of Village Upper Baskota
Pasighat
East Siang District
Arunachal Pradesh 791102

3: Jacob Tabing

Age:

Occupation :

Son of Late Okong Tabing
resident of Village Upper Baskota
Pasighat
East Siang District
Arunachal Pradesh 791102

4: Togram Tabing

Age:

Occupation :

Son of Late Okong Tabing
resident of Village Upper Baskota
Pasighat
East Siang District
Arunachal Pradesh 791102

5: Miss Ome Tabing

Age:

Occupation :

Daughter of Late Okong Tabing

resident of Village Upper Baskota
Pasighat
East Siang District
Arunachal Pradesh 79110

VERSUS

Yomkar Riba and 5 Ors
Son of Late Karyom Riba, resident of Polo Colony Naharlagun, PO and PS
Naharlagun, Papum Pare District, Arunachal Pradesh 791110 2:Tumge Likam
Tamin

Age: 0
Occupation :
Son of Late Tatum Gadi
resident of Namey Village
PO and PS Nari
Lower Siang District
Arunachal Pradesh. 791102

3:Dr Yater Darang
Age: 0
Occupation :
Wife of Shri Tapi Darang
resident of Mirbuk
PO and PS Pasighat
East Siang District
Arunachal Pradesh 791102

4:Mrs Rossina Kena Darang
Age: 0
Occupation :
Wife of Shri Bitem Darang
resident of Village Mirbuk
PO and PS Pasighat
East Siang District
Arunachal Pradesh. 791102

5:Duyin Dai
Age: 0
Occupation :
Son of Tagom Dai
resident of Ballek
PO and PS Pasighat
East Siang District
Arunachal Pradesh 791102

6:Legal Heirs of Late Tarung Tanning
Age: 0

Occupation :

a. Smti Inyo Perme
Wife of Late Tarung Tanning

b. Asenggale Tanning
Daughter of Late Tarung Tanning.
both are resident of Village Mirbuk
PO and PS Pasighat
East Siang District
Arunachal Pradesh 79110

Advocate for the Petitioner : M Biswas, G J Saikia

Advocate for the Respondent : Tapi Omo, P Bora, Bedanta Kaushik

BEFORE
HONOURABLE MR. JUSTICE N. UNNI KRISHNAN NAIR

ORDER

Date : 04-12-2024

Heard Mr. M. Biswas, learned counsel for the petitioners. Also heard Mr. B. Kaushik, learned counsel for all the respondents.

2. The petitioners by way of instituting the present petition have assailed an order dated 27.09.2024 passed by the learned Civil Judge (Sr.Divn), Pasighat in IA No.02/2024 (in TS No.24/2021).

3. The petitioners, who are the defendants in TS No.24/2021, had along with their written statements filed documents No. A to M. The Petitioners herein, thereafter instituted IA No. 02/2024 (in TS No. 24/2024) before the Trial Court invoking the provisions of Order XIII Rule 10 of the Civil Procedure Code praying for calling of the original records, basically pertaining to the documents marked as A to M for

proving the same.

4. The trial court upon considering the matter, vide order dated 27.09.2024, proceeded to reject the prayer so made by the petitioners herein. The learned trial court for the purpose of rejecting IA No.02/2024, recorded the following conclusions;

“Heard both Id. counsels, I have perused the application which shows that the prayer under order 13 Rule 10 CPC has been made by the applicants/defendants for documents No.A to M which has been annexed in the WS. The respondents/Plaintiff in their objection have not disputed the credibility of any of these documents, their main contention is that the suit land in Documents No. A to M which pertain to the records in Civil Dispute No- HT-23/88/99/200-2001 and the order passed by Honorable High court affirming the decision of the Learned DC, Pasighat is for the land situated at 2 Mile area, Pasighat and it is nowhere connected to the preset disputed land which is located at 3 Mile area.

Furthermore, it appears pertinent to take note that the documents No-F to M of the WS are the judgments of the Ld. DC, Pasighat and the honorable Gauhati High Court in CRP No 08(AP)/2002 and CRP No. 09(AP) 2002 which are certified copies and in all these decisions, the kebang of 21.08.1987, 09.03.2000 and 15.01.2001 (Documents No- A,B and D respectively) are already mentioned. In fact, the CRP No- 08(AP)/2002 (Document No F of the WS) was a result of the Order passed by the DC, Pasighat on 20.03.2021 in HT-23/98/99/2000-20001 (Document No-E herein). As all these documents No. A to M are official records of decisions passed by the village authority, the DC, Pasighat and the honorable High Court, certified copies of these documents are admissible u/s 76 of the Indian Evidence Act which are already annexed in the WS. This court does not see any need to call for the original documents. These official records being public documents, certified copies of these documents.

Thus, for reasons aforesaid, the prayer of the applicants in IA No- 02/24 is

rejected and disposed of.”

Being aggrieved the petitioners have instituted the present revision petition.

5. Mr. M. Biswas, learned counsel for the petitioners and Mr. B. Kaushik, learned counsel for the respondents have advanced their respective submissions.

6. However, on being queried by this Court with regard to the conclusion drawn by the learned Trial Court in the order dated 27.09.2024, Mr. B. Kaushik, learned counsel for the respondents, herein, has submitted that the objection of the respondents, herein, is with regard to the prayer of the petitioners, herein, to call for the original records for the purpose of proving documents marked as A to M as submitted by the petitioner herein, along with their written statement as filed in TS No.24/2021. Mr. B. Kaushik, has fairly submitted that the respondents, herein, would have no objection if the petitioners exhibits and relies upon the said documents marked as A to M, during the trial of TS No.24/2021 inasmuch as certified copies of the said documents have already been brought on record by the petitioners, herein, in TS No.24/2021.

7. Mr. M. Biswas, learned counsel for the petitioners, in view of the categorical submission made by the respondents, herein, that they would not object to the petitioners, herein, in exhibiting and relying

upon the said defendant's documents marked as A to M during the trial of TS No.24/2021, submits that the petitioners, herein, would not insist for calling of the original records pertaining to the defendant's documents marked as A to M.

8. In view of the above consensus reached between the parties, no further adjudication of the issue arising in the present proceeding would be called for.

9. Accordingly, the present revision petition is disposed of in terms of the consensus as arrived at between the parties in the matter, and noticed herein above.

JUDGE

Comparing Assistant