

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.737 of 2014

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Dhananjay Ray

.... Petitioner/s

Versus

Surajbansh Ray & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brij Bihari Tiwary

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

4 08-12-2015

Heard Mr. Brij Bihari Tiwari, learned counsel appearing on behalf of the petitioner and Mr. K.N. Choubey, learned Senior Counsel appearing on behalf of the respondents.

By the impugned order dated 03.09.2013 passed by Sub Judge-VIth, Rohtas at Sasaram in Title Suit No. 281 of 2003 the court below has rejected the application filed by the defendant – petitioner for marking the documents.

Learned counsel for the petitioner submits that the court below has rejected the application filed by the petitioner on the ground that the documents are photo copies but, in fact, attested copies of original granted by the Bank under RTI have been filed.

On the other hand, learned Senior Counsel appearing on behalf of the respondents objected and submitted that it is also a photo copy, it cannot be admitted in evidence and the court below has rightly observed that without examination of any formal

witness the document cannot be marked.

Perused the impugned order.

From perusal of the impugned order it appears that the court below has found that because the photo copy of gift deed is not admitted by the plaintiff and neither the original or certified copy of the same has been filed and also the other documents, which are photo copy obtained under RTI Act from the Bank cannot be marked as exhibit without examination of any witness.

In view of the above facts, I do not find any reason to interfere with the impugned order. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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