

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.578 of 2016**

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Manju Devi

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shailesh Kumar

For the Respondent/s : Mr. Ajay- Ga12

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

2 07-09-2016

Heard the learned counsel for the petitioner and the

learned counsel for the State.

Perused the impugned order dated 09.03.2016 passed by
Munsif I, Gaya in Title Suit No.36 of 2006 whereby the learned
Court below refused to mark the photocopy of Hukumnana,
Zamindari receipts and Revenue receipts as exhibit in the suit.

The learned counsel for the petitioner submitted that
P.W.7 in his evidence clearly stated that original was not given by
the vendor of the petitioner and, therefore, the petitioner had
obtained the photocopies of the original from the vendor which is
sought to be exhibited in the suit. The objection was raised to the
effect that photocopy cannot be admitted. According to the learned
counsel, if that is the objection of the respondent then the exhibit
may be marked on objection by the respondent and the
genuineness of the documents and/or the relevancy and reliability
of the documents may be considered finally at the time of hearing
of the suit.

On the other hand, the learned counsel for the State objected the prayer and submitted that photocopies cannot be marked as exhibit. The learned counsel relied upon AIR 1976 Orissa 236.

This Court in the case of **Ganga Sagar Gond & Ors. v. Ganesh Gond & Ors., 2002(2) PLJR 772** has held that “admission of document does not mean that document has to be treated as a genuine document. Genuineness and relevancy have to be considered along with other evidence at proper stage.”

Therefore, the Court below committed jurisdictional error in rejecting admission of photocopy of original sale deed as exhibit. In my opinion, this decision fully covers this case. The witness has been examined who has clearly stated that original is not with the present petitioner. The petitioner obtained the photocopy. The objection is that it is inadmissible, therefore, in view of this decision, the documents may be marked as exhibit in the case and the genuineness and relevancy or reliability of the documents may be considered at the time of hearing of the suit.

Thus, this Civil Miscellaneous application is allowed and the impugned order is set aside. The application filed by the petitioner in the Court below stands allowed.

Saurabh/-

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(Mungeshwar Sahoo, J)