

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.302 of 2016**

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Ati Ur Rahman @ Md. Ati Ur Rahman

.... Appellant/s

Versus

Md. Belal Sohail

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Singh

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

3 28-09-2016

Heard learned counsel, Mr. Ajay Kumar Singh,

appearing for the petitioner and learned counsel, Mr. Khatim
Raza, appearing for the respondent.

2. Perused the order dated 19.04.2016 passed by the
Munsif-II, Bhagalpur in Title Eviction Suit No. 29 of 2011,
whereby the court below has refused to mark the document sought
to be produced by the defendant-petitioner on the ground that the
document cannot be received unless the contents thereof is
accepted.

3. It may be mentioned here that receiving of the
document in evidence is another matter and relevancy or otherwise
of the document is another matter. Merely because the document
is received in evidence, it does not mean that the document has to
be treated as a genuine document. The genuineness and relevancy
have to be considered along with other evidences at proper stage.

Reference may be made to the decision of this Court reported in *2002 (2) PLJR 772*.

4. The court below refused to mark the document on the ground that it is not verified. In my opinion, therefore, the court below has refused to exercise the jurisdiction vested in it by law. Relevancy or otherwise of the document or reliability of the same would have been considered finally at the time of argument or judgment of the case. Since the respondent is objecting to its marking as exhibit, the documents would have been marked as exhibit with objection.

5. In the result, this civil miscellaneous application is allowed. The application filed by the petitioner stands allowed. The document sought to be marked as exhibit is directed to be marked as exhibit with objection.

6. Interim stay, if any, is vacated.

Brajesh/-

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(Mungeshwar Sahoo, J)