

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1109 of 2016

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1. Ram Babu Paswan son of Sri Jagdish Paswan
 2. Rajendra Paswan son of late Siri Paswan
 3. Musaharu Paswan son of late Sri Paswan
 4. Ghanshyam Paswan son of late Chatur Paswan
 5. Kuldeep Paswan son of late Siri Paswan
 6. Surendra Paswan son of late Siri Paswan
 7. Lakshmi Paswan son of Sri Jagdish Paswan All are residents of Village - Bhatandi, P.O. - Bharbari, P.S. - Rosera, District - Samastipur.

.... Appellant/s

Versus

1. Butan Thakur son of late Balchand Thakur resident of village - Bhatandi, P.O. - Bharbari, P.S. - Rosera, District - Samastipur.
2. Ganga Prasad Roy son of late Ram Kripal Roy
3. Kanhaiya Prasad Roy
4. Sachchida Nand Roy Both sons of Ganga Prasad Roy Respondents No. 2 to 4 are residents of Village + P.O. - Bhirha, P.S. - Rosera, District - Samastipur.
5. Saryug Prasad Roy
6. Uma Kant Roy
7. Vijoyendra Roy Respondents No. 5 to 7 are sons of late Badri Narain Roy Respondents No. 5 to 7 are residents of Village + P.O. Bhirha, P.S. - Rosera, District - Samastipur.
8. Rajendra Thakur son of Sukhdeo Thakur resident of village - Bhatandi, P.O. - Bharbari, P.S. - Rosera, District - Samastipur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 19-11-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 13.07.2016,
passed by the learned Munsif, Rosera in Title Suit No. 56 of 1998,
whereby the application filed by the plaintiff-respondent has been
allowed and a photo copy of unregistered Mahadnama has been

allowed to be exhibited in the suit.

The learned counsel for the petitioner submitted that the photo copy could not have been admitted and marked as Ext. in the suit.

This High Court in the case of **Ganga Sagar Gond & Ors. Vs. Ganesh Gond & Ors. Reported in 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 alongwith other evidences at proper stage. The Munsif committed jurisdictional error in rejecting admission of photo stat copy of original sale deed as an exhibit. The High Court set aside the order of the Munsif and directed that the photo copy of the sale deed be exhibited in the suit and its genuineness and relevancy may be considered along with other evidences at proper stage.

In the view of above decision I do not find any reason to interfere with the impugned order. Thus, this Civil Misc. Application is dismissed.

(Mungeshwar Sahoo, J)

siddharth/-

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