

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1195 of 2016**

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Manoj Kumar @ Munna

.... Appellant/s

Versus

Nita Bharti

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Kumar Binode Bariar

For the Respondent/s : Mr.

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

3 07-12-2016 Heard learned counsel for the petitioner and learned
counsel for the respondent.

Perused the impugned order dated 13.07.2016 passed
by learned Principal Judge, Family Court, Begusarai in Divorce
Case No.69 of 2013 whereby the court below refused to mark four
letters as exhibit.

From perusal of the impugned order, it appears that the
present petitioner had filed four letters alleged to have been
written by the respondent and a witness was examined on behalf
of the petitioner, who stated that the signatures appearing on the
letters are of the respondent herein. The court below refused to
mark the letters as exhibit on the ground that the respondent was
examined earlier but the letters were not confronted to her.

The Hon'ble Supreme Court in the case of **Sita Ram
Bhau Patil Vs. Ramchandra Nago Patil and another, A.I.R.**



1977 Supreme Court 1712 has held that an opportunity should be given to the person if the document is to be used against party who has made it, it is sound that if a witness is under cross-examination on oath, he should be given an opportunity, if the documents are to be used against him to tender his explanation and to clear up the point of ambiguity or dispute. This is a general salutary and intelligible rule. Therefore, a mere proof of admission after the person whose admission it is alleged to have concluded his evidence, will be of no avail and cannot be utilized against him.

In the present case also, when the respondent was examined, letters were not confronted to her. Therefore, the letters cannot be used against her. If the letters cannot be read against her then no purpose will be served by marking the same as exhibits.

Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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