

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.967 of 2016**

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Magadh University Bodh Gaya

.... Appellant/s

Versus

Sitaram Yadav

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Md. Waliur Rahman

For the Respondent/s : Mr.

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

2 16-09-2016 Heard the learned counsel, Mr. Waliur Rahman, for the
petitioner.

Perused the order dated 11.03.2016 passed by Sub Judge III,
Gaya in Title Suit No.95 of 2012 whereby the Court below has only
marked the certified copy of the Jamindari return as exhibit in the suit.

The learned counsel for the petitioner submitted that the
certified copy issued by the office of the Assistant LRDC and the
same office shall issue letter, Annexure '5' to the effect that the
record is not traceable, therefore, the document itself is doubtful but
the learned Court below admitted it as additional evidence.

From perusal of the Annexure '5' it appears that the office of
the LRDC informed the Court that in fact the record is 60 years old,
therefore, the document is not traceable. Perhaps, it is in the
Collectoriate office, Gaya. Considering this aspect of the matter, the
Court below has marked the certificate as an exhibit in the suit. The

objection of the petitioner is that since the objection has been raised which should have been marked as with objection.

This Court in the case of *Gangasagar Gond Vs. Ganesh Gond* 2002 (2) PLJR 772 has held that **‘admission of document does not mean that document to be treated as genuine document. Genuineness and relevancy had to be considered along with other evidence at proper stage.’**

It appears that in that case, photocopy of the sale deed was produced and the Munsif rejected to mark the photocopy as an exhibit, the High Court recording as above held that the Munsif committed jurisdictional error in rejecting admission of photo stat copy of original sale deed as an exhibit. In the present, what to speak of photocopy, the certified copy of return has been produced and under Section 79, the Court has to presume its validity.

Now, therefore, in view of the above facts and circumstances of the case, it cannot be said that the Court below acted without jurisdiction or there is any jurisdictional error. However, since the petitioner is objecting to the marking of the document as an exhibit ‘9’, the same may be marked as an exhibit with objection.

This Civil Misc. application is thus accordingly disposed of.

Sanjeev/-

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(Mungeshwar Sahoo, J)