

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 536 of 2016**

1. Amol Singh S/o Shital Singh Aged About 30 Years Caste Kanwar,
2. Kushal Singh S/o Shital Singh, Aged About 25 Years Caste Kanwar,
3. Keval Singh, S/o Shital Singh, Aged About 23 Years Caste Kanwar,

All are R/o Village : Nevsa, (Kachharpara) Police Station & Tahsil Pendra Road, District Bilaspur (Chhattisgarh)

---- Petitioners**Versus**

1. Meghnath S/o Shri Bahadur Singh Aged About 65 Years By Caste Bhaina, R/o Village Nevsa, (Kachharpara) Police Station & Tahsil Pendra Road, District-Bilaspur, Chhattisgarh.
2. Mankunwar D/o Shital Singh, W/o Chain Singh Aged About 35 Years R/o Village Jatadevri, Tahsil Pendra, District-Bilaspur, Chhattisgarh.
3. Bikul Singh S/o Sahan Singh Aged About 70 Years R/o Village Nevsa, (Kachharpara) Police Station & Tahsil Pendra Road, District-Bilaspur, Chhattisgarh.
4. State of Chhattisgarh Through Collector, Bilaspur, Chhattisgarh.

---- Respondents

For Petitioners	:	Shri Dharendra Prasad Mishra, Advocate
For Respondents-State	:	Shri Arun Sao, Dy. AG for the State

Hon'ble Shri Justice Prashant Kumar Mishra**Order On Board****07/09/2016**

1. Trial Court has rejected petitioners'/defendants' application under Order 8 Rule 1 CPC, by which he wanted to submit the certified copy of the judgment and decree dated 18-3-08 passed by the Additional District Judge, Pendra Road, in Civil Appeal No.9-A/2007 between Amol Singh & others

Vs. Vikul Singh & others, as well as the mutation order dated 13-08-08 passed by the Tehsildar, Pendra Road.

2. The trial Court has rejected the applications on the ground that the suit is at the stage of recording evidence of defendants' witnesses, therefore, the document having been filed belatedly cannot be taken on record.
3. Perusal of the applications would reveal that in the first application, the petitioners have clearly averred that xerox copy of the judgment and decree dated 18-03-08 has already been submitted, therefore, the trial Court should have allowed the certified copy of the said document because it concerns the same land with which the present suit is related, however, the second application submitting certified copy of the mutation order has rightly been rejected because mutation is based on the judgment and decree dated 18-3-08. Mutation does not confer any title on the party, therefore, the same may not assist the Court in adjudication of the present suit wherein title of the parties will be decided on the strength of merits of the case and not on the basis of mutation order.
4. While allowing the first application, the petitioner is directed to pay cost of Rs.2000/- to the plaintiff for the delay caused by them in filing the document.
5. Accordingly, the writ petition stands allowed in part.

Sd/-

Judge
Prashant Kumar Mishra

Ashu