

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 262 of 2018**

1. Gopal S/o Kritarth Aged About 29 Years
 2. Pavitra Kumar S/o Kritarth Gupta Aged About 24 Years
- Both R/o Lara, Tahsil Pusaur, District Raigarh Chhattisgarh

---- Petitioners**Versus**

1. Jaiprakash Gupta S/o Jubraj @ Yuvraj Gupta Aged About 46 Years
 2. Omprakash Gupta S/o Jubraj @ Yuvraj Gupta Aged About 41 Years
 3. Mus. Padmani Gupta W/o Wd/o Jubraj @ Yuvraj Gupta Aged About 64 Years
- All R/o Lara, Tahsil Pusaur, District Raigarh Chhattisgarh
4. State of Chhattisgarh, Through Collector, Raigarh, Tahsil And District Raigarh Chhattisgarh

---- Respondents

For Petitioners	:	Shri Vineet Kumar Pandey, Advocate
For Respondents-State	:	Ms. Astha Shukla, PL for the State

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****27/03/2018**

1. Heard.
2. Learned counsel for the petitioners submits that an application under Order 13 Rule 10 CPC was filed to call for an original document which is contained in Revenue Appeal No.51-A-6/06-07 and the file is with the SDO, Raigarh. He would further submit that the original copy of the documents dated 31.01.1968, 06.04.1983 and 17.12.1986 are contained in such revenue

appeal and the photocopy of the same is already placed in the civil suit, therefore, no prejudice would be caused if the document are called for in evidence as in absence thereof, the petitioner/plaintiff may lose a valuable right to prove the document.

3. I have perused the order dated 24.11.2017, wherein the Court has dismissed the application under Order 13 Rule 10 CPC. The application under Order 13 Rule 10 CPC is also perused. Considering the fact that photocopy of document sought to be compared with original is already on record and the original document which appears to have been filed in the revenue case, in the opinion of this Court, no prejudice would be caused to the defendant if the record containing the original documents are called to prove the photocopy, as it is only a mode of proof.
4. In a result, the order dated 24.11.2017 is set aside. The plaintiff/petitioner is allowed to call for the document by summoning the concerned official with record to prove the photocopy of the document which is filed in the civil suit. It is further made clear that the Court has not expressed any opinion about the admissibility of the documents in respect of their registration or adequacy of the stamp. The trial Court while adjudicating the case when the documents are exhibited shall adjudicate the same.
5. With such observation, the petition stands disposed of.

Sd/-

Goutam Bhaduri

Judge

Ashu