

APOT/66/2021
WITH
CS/12/2014
IA NO: GA/1/2021
IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
ORIGINAL SIDE

SUNDEEP BHUTORIA & OTHERS
VERSUS
WIGAN AND LEIGH COLLEGE (INDIA) LIMITED

BEFORE
The Hon'ble Justice I.P. MUKERJI
The Hon'ble Justice ANIRUDDHA ROY
Date: 30th June, 2021

(Via Video Conferencing)

APPEARANCE:
Mr. Jishnu Chowdhury, Advocate
Mr. Sarvapriya Mukherjee, Advocate
Mr. Dwipraj Basu, Advocate
Mr. Ayan Datta, Advocate
...for the appellants.
Mr. P.C. Pal Chaudhary, Advocate
Mr. Sourav Choudhary, Advocate
...for the respondent.

The Court: We admit this appeal.

As the point involved is very short, we propose to dispose of the same dispensing with all formalities.

When a document is proposed to be proved by a party, the Judge examines whether the rules of procedure regarding proof of a document have been met by the witness proposing to prove it. For example, if the document is a letter, the witness must be able to identify it, its author and also testify that the signature is his or her. Once this procedure is completed by the witness, the document is claimed to be proved and allowed to be tendered and marked as an exhibit.

However, this proof is tentative and always subject to being disproved by the adversary. He may well be able to show that the witness made a false statement regarding the signature or the handwriting of the author and ultimately be able to show that the letter was not written by the alleged author

at all. Therefore, all questions regarding proof of documents are always kept open right till the end of the trial.

The subject documents were proposed to be proved and tendered by the defendant. They were allowed to be so proved and tendered, by the learned Judge. Mr. Chowdhury, learned advocate for the appellants-plaintiffs states that the learned judge allowed tender of the documents, in spite of his objection, by overruling it. Mr. Pal Chaudhary, learned advocate for the respondent/defendant says that no such objection was made.

On the basis of our observations above, we say that nothing turns on this as far as the final proof of the documents is concerned. Mr. Pal Caudhary's client can be said to have complied with the basic procedure for prima facie proof of the documents. All questions regarding their proof are kept open to be decided by the learned trial court at the trial of the suit.

This appeal and the connected application are disposed of.

All undertakings are discharged.

(I.P. MUKERJI, J.)

(ANIRUDDHA ROY, J.)