

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.303 of 2018

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Surajmal Singh S/o Late Rambarat Singh resident of village - Mallu Khaira,
P.S. - Baroon, Dist. - Aurangabad Bihar. Petitioner/s

Versus

1. Jay Narayan Singh son of Late Ram Kumar Singh
 2. Jagat Narayan Singh son of Late Ram Kumar Singh
 3. Shivdhayan Singh son of Late Ram Kumar Singh all residents of village -
Mallu Khaira, P.S. - Baroon, Dist. - Aurangabad Bihar.
- Respondent/s
- =====

Appearance :

For the Petitioner/s : Mr. Anil Kr Singh No. 6, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-07-2022 Heard Mr. Anil Kumar Singh No.6 for the petitioner.

2. Petitioner is plaintiff in the trial court. He filed a suit bearing Title Suit No. 19/2014 before learned Munsif, Aurangabad for declaration that gift deed no. 10430 dated 28.07.1987 executed by his father in favour of defendants No. 1, 2 and 3 are invalid, false and fabricated document and no right, title, interest and possession have passed in favour of the defendants over the suit land as detailed in Schedule-I of the plaint.

3. At the stage of recording of plaintiff's evidence, a petition under Order 13 Rule 3 and 6 was filed by the petitioner/plaintiff for admitting some documents as exhibits in the suit. By the impugned order, the learned trial court has accepted the prayer of the petitioner to the extent allowing the relevant documents to be exhibited on behalf of plaintiff/petitioner in the suit and rejected the rest on the ground



that the authenticity of those documents is questionable and doubtful inasmuch as the same did not bear any stamp, date of passing of the order, demand correction case number etc.,. The documents produced were collected from the dustbin of the office of the Circle Officer, Barun.

4. Learned counsel while assailing the impugned order submits that the learned trial court has committed error in law by accepting some documents on record and rejecting the documents which were collected from the dustbin of the office of Circle Officer, Barun inasmuch as the same are relevant for the purpose of just decision of the suit.

5. Having heard learned counsel for the petitioner and taking into consideration the findings arrived at by the learned court below in the order impugned that the documents said to be collected from the dustbin did not bear any details and stamp of the C.O. I am satisfied that the authenticity of the same is doubtful. Accordingly, I do not find any infirmity in the order impugned. The present petition is, accordingly, dismissed.

(Anil Kumar Sinha, J)

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