

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.1133 of 2018

Dhurendra Prasad Gupta son of Late Ram Autar Sah resident of Village Malikpur Pipra @ Panapur, P.S. Hazipur Sadar (now Sarai), District Vaishali.

... .. Petitioner/s

Versus

1. Ram Babu Prasad Gupta son of Late Ram Autar Sah resident of Village Malikpur, Pipra @ Panapur, P.S. Hazipur Sadar (now Sarai), P.O.- Sarai, District- Vaishali.
2. Satya Narain Sah son of Late Ram Autar Sah resident of Village Malikpur, Pipra @ Panapur, P.S. Hazipur Sadar (now Sarai), P.O.- Sarai, District- Vaishali.
3. Bishwanath Sah son of Late Ram Autar Sah resident of Village Malikpur, Pipra @ Panapur, P.S. Hazipur Sadar (now Sarai), P.O.- Sarai, District- Vaishali.
4. Priya Ranjana Panjiyar Gupta wife of Late Nageshwar Prasad Gupta resident of Mohalla Bagmali, P.O. Hazipur Town, District- Vaishali, at present resident of Mohalla Kurzi More, State Bank Campus, Patna, P.S. Kurzi, District- Patna.
5. Deolal Rai son of Babulal Rai resident of Village Pachhiyari Tola, Gurmian, P.O. Gurmian, P.S. Lalganj, District- Vaishali.
6. Jainandan Thakur son of Late Deepan Thakur resident of Village Birda, P.S. Hazipur Sadar, (now Sarai), P.O. Sarai, District Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bhubneshwar Prasad
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA

ORAL ORDER

2 10-08-2022

Heard learned Counsel for the petitioner.

The petitioner is the defendant in Partition Suit No. 398 of 1998, filed by the respondent no. 1.

The grievance of the petitioner is that after framing of



issue, on an application filed by the plaintiff-respondent no. 1, certain public documents have been marked as exhibits by the learned Trial Court.

Learned Counsel for the petitioner submits that the documents filed by the plaintiff-respondent no. 1 was exhibited after framing of issues and the same was not admitted by the petitioner-defendant.

All the documents, which have been exhibited are public documents.

It is a well settled that if the authenticity of the document is not questioned by other side, the same can be admitted in evidence, although, the case is fixed for argument.

The Supreme Court, in the case of **Rukaiyabibi Ahmed Ali Ismail and Others v. Musa Ismail Mahmed Khusal and Others**, reported in (2014) 16 SCC 422, and this Court, in the case of **Md. Nuruddin @ Noor Mohammad and Another v. Md. Abbas and Another**, reported in 2016 (4) PLJR 951, held that if the authenticity of document is not questioned by the other side, the same can be allowed to be adduced even at the stage of argument and on the ground of cut short the delay or multiplicity of the proceeding, the fundamental principle of Code of Civil Procedure, 1908, cannot



be violated.

Learned counsel for the petitioner failed to produce any material to show that authenticity of the document sought to be exhibited by the petitioner was doubted at any stage

In view of the aforesaid, I do not find any illegality in the impugned order by which the learned Court below has directed to exhibit certain public documents filed by the plaintiff-defendant no. 1.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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