

04.10.2023
Sl. No.1(DL)
srm

C.O. No. 483 of 2020

**The Head Master, Murutia Guyabari
Netaji Vidya Niketan & Anr.**

Versus

Sri Rabindra Kumar Biswas & Ors.

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal

...for the Petitioners.

Mr. Kartick Kumar Bhattacharya

...for the Opposite Parties.

Service of notice filed by the petitioners is taken on record.

The revisional application has been filed challenging an order dated September 5, 2019 passed by the learned Civil Judge (Senior Division) at Tehatta, Nadia, in Title Suit No.106 of 2013.

By the order impugned, the learned trial Judge refused to allow the petitioners/defendant Nos.1 and 2 to mark certain documents as exhibits. As far as the original deed being No.1275 for the year 1973 is concerned, the photocopy of the deed was already on record and the petitioners wanted to file the original, which was in the custody of the petitioners. According to the learned court below, even if the deed was a

30-year-old document, the same would have to be formally proved.

The other documents regarding the attested record of rights at the different stages of settlement and the plot information slip, etc. were sought to be exhibited, which the learned court below did not allow.

In my view, an opportunity should have been given to the petitioners to tender all the documents in evidence upon strict compliance with the provisions of the Indian Evidence Act.

Under such circumstances, the prayer of the petitioners to recall the DW1 for tendering the documents is allowed. The DW1 will be at liberty to tender the documents. The learned court below shall consider whether the said documents shall be marked as exhibits, if the DW1 satisfies the court that the provision of the Indian Evidence Act with regard to marking of exhibits have been complied with. The opposite parties shall have the right of cross-examination.

The revisional application is, thus, disposed of.

There shall be no order as to costs.

Parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)