

25.06.2025

Court No.25

Sl. No.1
Mujahid

CO 2140 of 2023
With
CAN 1 of 2025

Sarama Roy
Vs.
Shyam Sundar Das & Ors.

Mr. Dyutiman Banerjee,
Mr. Krishnendy Dey

...for the petitioner

Mr. Kishore Mukherjee

...for the opposite parties

1. Present petition has been filed challenging the order no.73 dated 4th March, 2023 whereby the learned Civil Judge (Junior Division), 4th Court, Serampore, Hooghly has exhibited the photo copy of death certificate of Dipali Ganguly.

2. Learned counsel for the petitioner submitted that the said exhibition of document is in clear contravention of Section 63 and Section 65 of the Indian Evidence Act. Learned counsel submits that the photo copy of the death certificate has been exhibited by the learned trial court without any explanation being offered by the party producing the document.

3. At the outset, this court considers that there is no substance in the case of the petitioner. It is a settled proposition that mere exhibition of document

does not ipso facto mean proof of a document in accordance with the provisions of the Indian Evidence Act. It has repeatedly been held that exhibition of document at the stage of evidence is merely for the purpose of identification. The court, at the time of the final determination is required to examine the authenticity, admissibility and evidentiary value of the document in the accordance with the provisions of the Indian Evidence Act. Even the learned trial court has categorically stated mere exhibiting of document does not ipso facto sanctify the case of the petitioner and he has to prove this case on merits and the opposite party shall get opportunity to dispose of this case.

4. The court considers that the petition has no substance as there is no illegality or perversity in the order of the learned trial court. Hence the petition is dismissed. However, the petitioner is given liberty to raise all objections regarding admissibility of the document at the time of final determination of the issue. The learned trial court shall also decide the same in accordance with the law independent of any observation made in the impugned order.

5. The petition stands disposed of.

6. All connected applications, if pending, are also disposed of.

7. Before parting with the suit itself being old suit, the learned trial court is impressed upon to dispose of the suit expeditiously without granting any further unnecessary adjournments.

8. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

9. Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Dinesh Kumar Sharma, J.)