05.10.2026
Ct. No.652
D/L 27
NMD/Sayan

C.O. 4199 of 2025

Sri Pranab Kumar Basu
Vs.
Sri Pranay Kumar Basu

Mr. Tanmoy Mukherjee,
Mr. Animesh Paul
...for the Petitioner

1. The instant civil revision application has been filed challenging order dated 05.08.2025 passed by the learned Civil Judge (Junior Division), 1st Court at Basirhat, North 24 Parganas, in Title Suit No. 101 of 2008.

2. In short, the factual background is that the two deeds on which the plaintiff/petitioner relied upon in the suit, were initially marked as Exhibits 'X' and 'Y' for identification. By dint of the said impugned order, the Court has turned down the petitioner's prayer for marking those documents as exhibits in the suit.

3. Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner, having produced the certified copies of the two deeds, is entitled under Section 65(f) of the Indian Evidence Act, 1872 to have those documents exhibited in the suit as secondary evidence. In this regard, he has specifically relied on the statutory provision under Section 65(f) of the Indian Evidence Act, 1872 is as follows:-

Section 65

** ** ** ** ** **

> ***(f)_*** *when the original is a document of which a certified copy is permitted by this Act, or by any other law in force in [India] to be given in evidence;*

Section 57(5) of the Registration Act, 1908, is the statutory basis permitting the certified copy to be given in evidence, thereby attracting Section 65(f) of the Evidence Act. This statutory interrelationship is well recognised in law. The Supreme Court in ***Land Acquisition Officer & Mandal Revenue Officer v. V. Narasaiah, (2001) 3 SCC 530***, recognised that a certified copy of a registered document could be admitted in evidence by virtue of Section 65(f) of the Evidence Act read with Section 57(5) of the Registration Act. The said principle was subsequently affirmed by the Constitution Bench in ***Cement Corporation of India Ltd. v. Purya, (2004) 8 SCC 270***. The position, therefore, is that a duly certified copy issued by the registering authority is admissible as secondary evidence for proving the contents of the registered deed.

4. On perusal of the records, it appears that the learned trial Court, in the impugned order, misdirected itself by construing the deeds produced in evidence by the plaintiff/petitioner as “photocopies” of the documents, instead of those being the “certified copies” of the said documents.

5. The admissibility of certified copy of a deed in a suit is explicit under the law. The provision under Section 65(f) of the Indian Evidence Act, 1872 is notable in this regard. The plaintiff/petitioner, having produced the

certified copies of the deeds before the learned trial Court, is entitled under the law for appropriate consideration by the Court regarding the said certified copies, as the corroborating evidence in the suit.

6. Therefore, prima facie, the Court having considered those documents as “photocopies” of the deeds, as enumerated by the same in its order dated 05.08.2025, amounts to be a gross and apparent error on the face of the record.

7. Considering the above, this Court is inclined to set aside the impugned order passed by the learned trial Court dated 05.08.2025 in Title Suit No. 101 of 2008.

8. The learned trial Court is directed to reconsider the petitioner's application under Section 151 of the Code of Civil Procedure dated 03.07.2024 and pass an order in due consideration of the materials on record as well as the legal provisions. An order in this regard be passed by the learned trial Court within a period of four weeks after reopening of Court after the ensuing Puja Vacation.

9. It is further directed that the learned trial Court shall make all endeavour for the expeditious disposal of the suit.

10. The instant civil revision application being **C.O. 4199 of 2025** stands disposed of with the directions as above.

(Rai Chattopadhyay, J.)