
(2010) 07 RAJ CK 0086
In the Rajasthan High Court

Balaji and Others

APPELLANT

Vs

Civil Judge (Junior Division) and Others

RESPONDENT

Date of Decision : 19-07-2010

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 8 Rule 1(3)

Citation : (2010) 07 RAJ CK 0086

Hon'ble Judges : Raghvendra S. Chauhan, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

R.S. Chauhan, J.—Mr. Sunil Kumar Singodiya for the Petitioners.

2. The petitioners are aggrieved by the order dated 28.05.2010 passed by the Civil Judge (Junior Division) and Judicial Magistrate First Class, Pilani, whereby the learned Magistrate has allowed an application filed by the respondents under Rule 8 Rule 1(3) CPC.

3. Mr. Sunil Kumar Singodiya, the learned Counsel for the petitioners, has contended that since the plaintiff's evidence has been closed, the documents which the respondents are trying to bring on record should not have been taken by the Court.

4. Heard the learned Counsel for the petitioners and perused the impugned order.

5. According to the impugned order, three objections were raised by the plaintiff-petitioners. The objections raised by the petitioners before this Court was equally raised before the learned Magistrate. The learned Counsel has correctly held that since the plaintiff would have the right to submit evidence in rejoinder and would also have right to cross-examine the respondent during the course of respondent's evidence, no prejudice would be caused to the plaintiff-petitioner in case the documents were taken on record.

6. Moreover, a bare perusal of the impugned order clearly reveals that the

learned Magistrate has threadbare discussed each of the objections and after passing a detailed order has rejected the application. The learned Magistrate was certainly justified in his opinion both on the basis of law and on the basis of the case law.

7. This Court does not find any illegality or perversity in the impugned order. Hence, this petition is devoid of any merit; it is, hereby, dismissed.

8. A copy of this order shall be sent to the learned Magistrate by the Deputy Registrar (Judi.).