

(2013) 05 RAJ CK 0173

In the Rajasthan High Court

Case No : Civil Writ Petition No. 3693 of 2010

M/s. Anjani Motors and Another

APPELLANT

Vs

LR's of Sh. Brij Mohan and Others

RESPONDENT

Date of Decision : 15-05-2013

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 151
Constitution of India, 1950 — Article 227
Evidence Act, 1872 — Section 65

Citation : (2013) 3 WLN 328

Hon'ble Judges : Vineet Kothari, J

Bench : Single Bench

Advocate : Surendra Surana, for the Appellant; Suresh Shrimali, for the Respondent

Final Decision : Dismissed

Judgement

Vineet Kothari, J.—This writ petition is directed against the order dt. 18.11.2009 (Annex. 5) passed by the learned Civil Judge (Sr. Division), Mount Abu, Camp Abu Road, District: Sirohi in Civil Original Case No. 110/98- Brij Mohan vs. Anjani Motors, whereby the learned trial Court allowed the plaintiffs' application under Sec. 65 of the Evidence Act read with Section 151 CPC allowing certain additional documents to be admitted in evidence. In all 23 documents were filed by the plaintiffs/landlord and out of some documents were not pressed to be admitted in the evidence and the remaining documents were the certified copies of public documents and, therefore, the learned trial Court in view of judgment of this Court in the case of Gurjan Lal vs. Vijay Kumar & Ors., 2001 WLC (Raj.) UC 576 has allowed secondary evidence in respect of the same. The learned trial Court in the impugned order dt. 18.11.2009 has also observed in its operative portion of the order that if any objection of the defendant is there about the admissibility of the evidence, it can be raised at the time of final arguments of the suit itself. This adequately protects the rights of the defendant.

2. Having heard the learned counsel for the parties, this Court is of the opinion that the order impugned calls for no interference under Article 227 of the Constitution of India as the order impugned equally protects the rights of the petitioner/defendant and such discretionary and interlocutory orders cannot be interfered with under Article 227 of the Constitution of India. The writ petition is, accordingly, dismissed. No costs. A copy of this order be sent to the concerned parties and the learned Court below forthwith.