
(2013) 02 JH CK 0099

In the Jharkhand High Court

Case No : Writ Petition No. 7830 of 2012

Sukhdeo Mandal and Others

APPELLANT

Vs

Braj Nandan Mandal and Others

RESPONDENT

Date of Decision : 01-02-2013

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 13 Rule 2
Constitution of India, 1950 — Article 227

Citation : (2013) 1 AJR 809

Hon'ble Judges : P.P. Bhatt, J

Bench : Single Bench

Advocate : D.K. Prasad, for the Appellant;

Final Decision : Allowed

Judgement

P.P. Bhatt, J.—The present petitioners by way of filing this writ petition under Article 227 of the Constitution of India have prayed for quashing the order dated 19.10.2012 passed by the learned Civil Judge, Senior Division No. 2 Jamtara in Title suit No. 26 of 1999 whereby the learned Court below dismissed the petition dated 6.10.2012 for taking document in evidence under Order 13, Rule 2 of the Code of Civil Procedure. Upon hearing the learned counsel appearing for the petitioners and perused the impugned order as well as the other materials placed on record, it appears that the document in question appears to be a public document and the present petitioners applied for getting certified copy of the said document on 4.10.2012 and on receipt of the said document, it was produced on 6.10.2012. The said document is a copy of order passed in CWJC No. 6356 of 1997 whereby the petitioners have been asked to file civil suit to prove their title.

2. On perusal of the impugned order it appears that the Court below has rejected the request made by the present petitioners mainly on the ground of delay and laches as it was produced after 13 years and at the fag end of the title suit when the matter was kept for argument. Looking to the nature of the document and

more particularly in view of the fact that the said document is a public document and evidentiary value of the said document can be judged at the time of final hearing while appreciation of evidence on record. This Court is of the view that no harm or prejudice is likely to be caused to the other side if this document is taken on record and exhibited. Therefore, in the interest of justice, production of the said document, which is a public document, is required to be allowed and the document being public document is required to be exhibited in the interest of justice. Accordingly, this petition is allowed and in the impugned order dated 19.10.2012 is set aside and the document in question be exhibited. This order is passed in the interest of justice without issuance of notice to the other side so as to avoid the further delay in concluding the civil suit which is of the year 1999.