

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(C) No. 872 of 2014

Akshay Kumar @ Amar Nath Thakur

..... Petitioner

Versus

Abhay Kumar

..... Respondent

CORAM: HON'BLE MR. JUSTICE NARENDRA NATH TIWARI

For the Petitioner - Mr. Ram Ashray Singh
For the Respondent -

2/31.3.2014 In this writ petition, the petitioner has prayed for setting aside the order dated 8.1.2014 passed by learned Munsif, Ranchi in Title (Eviction) Suit No. 2/99, whereby learned Court below has allowed the plaintiff to bring on record the originals of those documents of which the photo copies were earlier filed with the plaint.

The said order has been challenged on the ground that learned Court below has not considered the relevant provisions of law, which govern filing of the documents at the belated stage. Learned Court below has also not considered the fact that the plaintiff had made statement in Partition Suit No. 167/2000 (between the same parties) that he has no other document to produce. But in the eviction suit he produced the said documents and learned Court below has erroneously allowed the plaintiff to bring those documents on record at the belated stage without recording any reason.

I have heard learned counsel for the parties and considered the facts appearing on record.

On perusal of the impugned order, I find that learned Court below has considered the relevant aspects including the objection of the defendant-petitioner and has allowed the petition by recording speaking reasons. Learned Court below has observed that the suit is at the preliminary stage, in the recent past, the issues were settled. Hearing has not begun and witness has not been examined by either side. Learned Court below found that the photo copies of those documents were already filed with the plaint. Learned Court below further observed that the originals of those documents shall help in coming to just decision in the suit. Considering the same, the plaintiff's application was allowed. Learned Court below further considered that though the original documents should have been produced in the Court before settlement of the issues and the plaintiff has made the application thereafter, but there is no much

delay. He has also compensated the respondent by awarding cost of Rs. 600/- as a condition for allowing the prayer.

Order XIII of the C.P.C deals, inter alia, with production of the documents. Rule 1 of Order XII provides that the original documents are to be produced before settlement of the issues.

In the instant case, the issues had been framed in the recent past and the suit was fixed for evidence. There is no material change in the stage of suit thereafter. For some delay, learned Court below has awarded cost to compensate the defendant. The impugned order is, thus, well considered and supported by sound reasons.

I find no infirmity or illegality in the impugned order.

This writ petition is, accordingly, dismissed.

S.K

(NARENDRA NATH TIWARI, J)

