

**IN THE HIGH COURT OF MADHYA PRADESH  
AT JABALPUR  
BEFORE  
HON'BLE SHRI JUSTICE G. S. AHLUWALIA  
ON THE 5<sup>th</sup> OF AUGUST, 2024  
MISCELLANEOUS PETITION No. 3733 of 2024  
*DEVENDRA SINGH RAJAWAT*  
*Versus*  
*SMT. SONA DEVI AND OTHERS***

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**Appearance:**

*Shri Saket Agrawal – Advocate for the petitioner.*

*Shri Anuj Agrawal – Advocate for the respondents.*

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**ORDER**

This petition under Article 227 of Constitution of India has been filed against order dated 29.05.2024 passed by Second District Judge, Nowgaon, District Chhatarpur in RCS No.1-A/2013 by which an application filed by petitioner under Order 13 Rule 10 CPC for summoning of original documents from the office of SDO, Nowgaon, District Chhatarpur has been rejected.

2. It is submitted by counsel for petitioner that petitioner has filed a Civil Suit claiming that the plaintiff is in possession of the suit land, whereas the respondents had denied the said contention. However, during the pendency of the Suit, the part of land was alienated to Babli Raja, who filed an application against petitioner for delivery of possession and accordingly, the SDO, Nowgaon, District Chhatarpur issued a direction to take possession from petitioner and deliver the same to the respondents. It is submitted by counsel for petitioner that although petitioner has already filed the certified copies of the said proceedings, which have also been marked as exhibit but in order to

prove the contents of the same, the comparison of the certified copies with original record is necessary and therefore, the trial Court should have directed for summoning the original record from the Court of SDO, Nowgaon, District Chhatarpur.

3. *Per contra*, it is submitted by counsel for respondents that against the proceedings, which were initiated before SDO, Nowgaon, District Chhatarpur, petitioner had filed a Writ Petition No.2388/2023 and by order dated 20<sup>th</sup> July, 2024 passed by a Coordinate Bench of this Court, the order for handing over the vacant possession passed by the SDO, Nowgaon, District Chhatarpur has been set aside with a direction that the parties shall be free to contest their issue of ownership and possession in a suit, which is pending before the Civil Court.

4. Heard the learned counsel for the parties.

5. The petitioner wants the production of original record, which has already been quashed by this Court by order dated 20<sup>th</sup> July, 2024 passed in W.P. No.2388/2023.

6. The operative part of the order passed in W.P. No.2388/2023 reads as under:

“Considering the fact that the impugned order was passed by the respondent No.3 /SDO on the basis of a complaint lodged by respondent No.1 and civil suit is already pending between the parties, the present petition is disposed off with a direction that the civil court will decide the issue of ownership and possession and the parties are free to take recourse through civil court as per law. Proceedings pending before SDO initiated upon a complaint of respondent No.1 is hereby quashed and order dated 08.09.2022 is also quashed.”

7. Once the parties have been given liberty to contest the Civil Suit and the Civil Court has been directed to decide the issue of ownership and possession, then reliance on the proceeding, which has already been quashed by this Court, is not relevant. Furthermore, in the light of Sections 76 and 77 of Evidence Act, the contention of counsel for petitioner that the production of original record is necessary in spite of the fact that the certified copies have already been marked as exhibit, appears to be misconceived. The trial Court has also rejected the application on the ground that certified copies are the public document, which have ready been marked and there is no need to summon the original record.

8. As no jurisdictional error was committed by the trial Court, accordingly, no case is made out warranting interference.

9. Petition fails and is hereby **dismissed**.

**(G.S. AHLUWALIA)**  
**JUDGE**

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