

Comments: as
evidence if the party
producing



Comments: Scope: Section 163 lays down that where a party gives notice to the opposite party to produce a document which is produced and he inspected it, he is being bound to give it as evidence if the party producing the document requires to do so. The documents may be treated as evidence if the following conditions are fulfilled: (a) The party requiring the document must give notice to produce it to opposite party. (b) The opposite party must produce the document, (c) The party requiring the document must inspect it, (d) The party producing the document should require the party calling is bound to give it as evidence. Therefore, the party after inspection of the document is bound to give it as evidence if the opposite party requires it to do so. The document must also be relevant document for which the notice was served. Notice under Order XII, Rule 8 of the Civil Procedure Code may be given at the time of hearing or it may be given under Order XI, before hearing.

“ The section does not enable a party to call for the production of a document for inspection, that is to say, to have it produced and then use it or not use it as he thinks fit. What it contemplates is that one party should call upon another in court to produce a document of which the first party has given other notice to produce”—SARKAR.