



R.C.S./1400016/2013
Waseem Ansari Vs. Abdul Latif

ORDER BELOW EXH. 106

1. By this application, the plaintiff sought to issue summons to the Sub-Registrar, Aurangabad for giving evidence and for production of documents. Read the application and reply of defendant Nos.1 to 7. Heard Ld. Advocates for the rival parties.
2. Ld. Advocate for the plaintiff submitted that the plaintiff has examined himself at Exh.60 and produced the copies of sale deeds at Exh.62 and 63. During his cross-examination, the defendant Nos. 1 to 7 have raised objection regarding the copies of sale deeds. Therefore, it is necessary to issue summons to the Sub-Registrar, Aurangabad for giving evidence and for production of the copies of sale deeds and maps annexed therewith.
3. Ld. Advocate for the defendant Nos. 1 to 7 argued that the documents on which the plaintiff is willing to examine proposed witness are already marked with exhibit numbers. The defendant Nos. 1 to 7 have given no objection for marking those certified copies of sale deeds with exhibits. Therefore, there is no necessity to call Sub-Registrar as witness. Moreover, he is not a competent witness to depose about the contents of documents. Therefore, the application needs to be rejected.

4. It is a matter of record that the plaintiff has examined himself at Exh.60 and the certified copies of sale deeds at Exh.62 and 63 are admitted in evidence as the defendants have not objected to the proof and admissibility of these documents. During his cross-examination also the defendant Nos. 1 to 7 have not disputed the existence, condition and contents of these documents. What they pointed out during his cross-examination is non production of copies of maps which were annexed with the sale deeds. The plaintiff admitted that those copies of maps were in his possession at the time of filing certified copies of sale deeds at Exh.62 and 63. In such circumstances, it is not desirable to order production of copies of map by summoning Sub-Registrar. So far as the issuance of summons for giving evidence to him is concerned, the certified copies of sale deeds carries presumption of its genuineness. In such circumstances, it is not desirable to issue summons as prayed. Hence, I pass the following order.

ORDER

Application stands rejected.

Date :- 11.02.2025
Place :- Aurangabad.

(Shri. N.H. Tikhe)
Civil Judge Senior Division
(Corporation Court), Aurangabad.

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer	: S.V.Shinde
Court	: C.J.S.D.(Corporation Court), Aurangabad
Date	: 11.02.2025
Order signed by the presiding officer on	: 11.02.2025
Order uploaded on	: 11.02.2025