

MHAU130000342013



R.C.S. No. 1400016/2013
Waseem Ansari Vs. Abdul Latif
ORDER BELOW EXH.111

Present application is made by plaintiff for review of an order dated 14.07.2025 passed below Exh.109. Read the application and reply of defendant Nos.1 to 7 at Exh.112. Heard Ld. Advocates for the rival parties.

2. Learned advocate for plaintiff submitted that, an application Exh.109 was made by plaintiff for issuance of summons to witness for giving evidence and for production of documents. This application was rejected by this Court on 14.07.2025. The plaintiff has already produced certified copy of document obtained under the Right to Information Act and, in order to mark said document with exhibit number, it was necessary to call said witness. These details were given in an application Exh.109. However, an order below Exh.109 is cursory order and there is a mistake apparent on the face of the order. He argued that, due to oversight this Court has not considered the details of the document filed below Exh.60 given in application Exh.109. Therefore, it is necessary to review an order below Exh.109 and to allow said application.

3. Learned advocate for defendant Nos.1 to 7 submitted that, the application is not maintainable and there is no mistake or error on the face of the record of said order. The copies received under the Right to Information Act are not admissible in evidence as those are not certified

copies of public document. Therefore, he prayed to reject the application.

4. As present application is made to review an order below Exh. 109 passed by this court, it is necessary to consider the scope of review laid down under Order 47 Rule 1 of The Code of Civil Procedure, 1908. It provides for review of an order in the circumstances that the party could not produce the important matter or evidence inspite of exercise of due diligence or it was not within his knowledge. The review of an order is also permissible on account of some mistake or error apparent on the face of the record, or any other sufficient reason.

5. The plaintiff appears to have come with the contention that there is mistake or error apparent on the face of the record. Therefore, it is desirable to reproduce para No.4 of order passed below Exh.109 which deals with the reasons for its rejection. Para No.4 of said order runs as under:-

4. The record and roznama shows that, the plaintiff has filed his evidence affidavit on 23.08.2022. However, on that day, no document is produced by the plaintiff. Therefore, it is not certain as to which documents the plaintiff wish to adduce in evidence by calling said witness. If the application is read as a whole it shows that, the plaintiff is willing to adduce the copies of record of proceeding allegedly initiated against defendant No.1 under Section 260 and 478 of the Maharashtra Municipal Corporation Act, 1949 by the defendant Corporation. It is to be noted that, the certified copies of such record is admissible in evidence and it is not necessary to call such officer as witness to prove the contents of the public record or to call the original public record. Therefore, the application needs to be rejected. Hence, I pass the following order:-

ORDER

Application stands rejected.

6. It is seen from aforesaid paragraph of an order passed below

Exh.109 that, this Court has considered the willingness of plaintiff to adduce the copies of record of proceeding allegedly initiated against defendant No.1 under Section 260 and 278 of the Maharashtra Municipal Corporation Act, 1949 while deciding this application. It was held by this Court that, certified copies of such record is admissible in evidence and it is not necessary to call such officers as witness to prove the contents of the public record or to call the original public record. Thus, there is neither any mistake or error on the face of the record nor any loss of site by this Court in passing said order. Therefore, it is necessary to reject the application. Hence, I pass the following order.

ORDER

Application Exh.111 stands rejected.

Date :- 17.10.2025
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	: Vilas K. Chavan, Stenographer Grade-II
Court	: C.J.S.D.(Corporation Court), Aurangabad
Date	: 17.10.2025
Order signed by the	
presiding officer on	: 17.10.2025
Order uploaded on	: 17.10.2025