

MHAU130000342013



R.C.S. No.1400016/2013
Waseem Ansari Vs. Abdul Latif

ORDER BELOW EXH.113

By this application the plaintiff sought to mark the copies of documents produced by him with evidence affidavit with exhibit numbers. Read the application and reply of defendant Nos.1 to 7 at Exh.110 and 112. Heard learned advocates for the rival parties.

2. Learned advocate for plaintiff submitted that, the plaintiff has filed his evidence affidavit at Exh.60 and produced documents alongwith it. This Court has marked the documents with exhibit numbers excluding the copies of documents obtained under the provisions of Right to Information Act, 2005 (for short "RTI Act"). As per section 65(f) of the Evidence Act, 1872, the certified copy permitted under that Act or any other law can be given in evidence. The definition provided by section 2(j) of RTI Act makes it clear that documents obtained under that Act are certified copies. On the other hand, the defendants have no objection to mark these copies with exhibit numbers. Therefore, it is necessary to mark the copies of documents obtained by plaintiff under RTI Act with exhibit numbers. In support of his contention he relied upon NARAYAN SINGH VS. KALLARAM ALIAS KALLURAM KUSHWAHA, AIR 2015 MADHYA

PRADESH 186. Reliance is also place by him N.C. BANSAL VS. UTTAR PRADESH FINANCIAL CORPORATION, AIR 2018 SUPREME COURT 685.

3. Learned advocate for defendant Nos.1 to 7 argued that, the copies obtained under RTI Act are not admissible in evidence and those are not certified copies of public record. The application is made for prolonging the trial. Therefore, he prayed to reject the application.

4. N.C. BANSAL (cited supra) is authority on the right of a party to produce documents. It nowhere lays down a principle of law relating to exhibiting document or admitting document in evidence. Therefore, this judgment is not helpful for decision of this application.

5. In NARAYAN SINGH (cited supra) it is laid down by Hon'ble Madhya Pradesh High Court that clause (f) of Section 65 of Evidence Act makes it crystal clear that a certified copy permitted under the Evidence Act or any other law in force can be treated as secondary evidence. The RTI Act falls within the ambit of "by any other law in force in India". Therefore, documents obtained under RTI Act can be admitted as secondary evidence. The Hon'ble Madhya Pradesh High has dealt with a definition of certified copy provided in Black Law Dictionary which says that a certified copy means a copy of document or record, signed or certified as a true copy by the officer to whose custody original is entrusted.

6. It is well settled, including the judgment in NARAYAN SINGH (cited supra) that certified copies of documents obtained under RTI Act are secondary evidence of its original i.e. public record. However, it must be seen that whether such copies are certified copies or not. For this purpose, it is necessary to consider Section 76 of Evidence Act, 1872 which makes provision for certified copies of public documents and it runs as under:-

76. Certified copies of public documents- Every public officer having the custody of a public document, which any person has a right to inspect, shall give that person on demand a copy of it on payment of the legal fees therefor, together with a certificate written at the foot of such copy that it is a true copy of such document or part thereof, as the case may be, and such certificate shall be dated and subscribed by such officer with his name and his official title, and shall be sealed, whenever such officer is authorized by law to make use of a seal; and such copies so certified shall be called certified copies.

Explanation. - Any officer who, by the ordinary course of official duty is authorized to deliver such copies, shall be deemed to have the custody of such documents within the meaning of this section.

7. I have perused the copies of documents produced by plaintiff with evidence affidavit Exh.60 with a list Exh.61 at serial No.25 onward. All these copies bear a seal i.e. माहिती अधिकार अधिनियम-2005 नगर रचना विभाग महानगरपालिका, औरंगाबाद. There is no certificate dated and subscribed by the officer issuing it with his name and official title at the foot of these copies showing that these are true copies of public documents or part thereof. Likewise, there is no seal of the officer issuing these copies. Thus, these copies of documents are not certified copies within the meaning of Section 76 of the Evidence Act. Therefore, these copies cannot be admitted in

evidence. In such circumstances, the application needs to be rejected.

Hence, I pass the following order:-

ORDER

Application stands rejected.

Date :- 09.04.2026

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 Kalyan Chavan
Court	:	C.J.S.D.(Corporation Court), Aurangabad
Date	:	09.04.2026
Order signed by the presiding officer on	:	09.04.2026
Order uploaded on	:	09.04.2026