

MHAU130001572018



ORDER BELOW EXH.55 IN R.C.S. No. 60/2018

(Samina Vs. MCA)

1. Plaintiffs have filed this application for exhibition of newspaper dated 18.01.2017 and for reading it in evidence as per Section 81 of the Indian Evidence Act.

2. Plaintiffs have submitted that they have filed their evidence affidavit. Further examination-in-chief of PW-1 is going on. She has produced original newspaper on record. This court has not exhibited original newspaper as it is objected by other side. However learned counsel for plaintiffs has brought to the notice of this court that newspaper has presumption under Section 81 of Indian Evidence Act. Plaintiffs have submitted that as newspaper can be exhibited. Hence their application be allowed.

3. Defendant has given handwritten say that this application is not tenable. Defendant has submitted that plaintiff has produced newspaper cutting or page and plaintiff is seeking to exhibit it which is not permissible as per law. Newspaper is not a public document. Hence it is necessary to prove its content as per provisions of law. Section 81 of the Evidence Act is not applicable to facts of the present case. Complete original newspaper is not produced on record. Hence newspaper page cannot be exhibited. Therefore, this application is

liable to be rejected.

4. I heard learned counsel for parties.

5. I perused this application and say submitted. I perused record of this case. I have perused newspaper page filed by learned advocate for the plaintiffs. I perused Section 81 of the Indian Evidence Act. I also perused ratio laid down by Hon'ble Supreme Court in the case of **B. Singh Vs. Union of India, (2004) 3 SCC 363** that

"A newspaper is not one of the documents referred to in section 78(2) of the Evidence Act by which the allegation of fact can be proved and the presumption of genuineness attached under section 81 of the Evidence Act to a newspaper report cannot be treated as proof of the facts reported therein. A statement of fact contained in a newspaper is merely hearsay and, therefore, inadmissible in evidence in the absence of the maker of the statement appearing in Court and deposing to have perceived the fact reported."

6. This case law is applicable the facts of the present case. Newspaper page is not public document. Hence Section 81 of Indian Evidence Act is not applicable. I consider that plaintiff should prove contents of newspaper by examining its author and publisher. Hence I consider that this application is not tenable. Therefore, I pass this order.

ORDER

This application is hereby rejected.

Date - 05.01.2023

(Smt. S.N. Morwale),
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. Kondekar, Stenographer (Grade-2)
Court	:	C.J.S.D. (Corporation Court), Aurangabad.
Date	:	05.01.2023
Order signed by the presiding officer on	:	05.01.2023
Order uploaded on	:	06.01.2023