

MHAU130001572018



ORDER BELOW EXH.59 IN R.C.S.No.60/2018
(Samina Vs. M.C.A.)

1. Plaintiff has filed this application for exhibition of document filed along with list Exh. 36 in view of order passed below Ex. 26.

2. Plaintiff has submitted that, she has filed this suit for declaration that, notice issued under Section 43 of M.R.T.P. Act is illegal and for perpetual injunction restraining defendants from demolishing house property. Plaintiff has filed her evidence affidavit along with application for permission to lead secondary evidence on two specific documents i.e. the panchanama recorded by revenue authority and judgment of Tahsildar.

3. Plaintiff has submitted that, she had made application for obtaining certified copies of above mentioned documents but authorities have replied under R.T.I. that, concern file is missing and not traceable. This Court has decided application at Exh. 26. This Court has granted permission to her to adduce secondary evidence and directed that, those documents will be decided and heard at the time of recording of evidence.

4. Plaintiff has submitted that, she had searched for those documents which were filed in another case having RCS No. 936/1998. Plaintiff has filed certified copies of above mentioned document along with

list at Exh. 36. Those documents are public documents. Hence, these documents be exhibited.

3. Defendant has given hand written say. Defendant has given no objection for production of documents. Defendant has taken the objection that these documents are filed without any pleading in plaint and in affidavit in chief. Hence those documents cannot be exhibited. Therefore, this application is liable to be rejected.

4. I heard learned counsel for the parties.

5. I perused this application and say submitted. I perused record of this case. I perused documents filed along with Exh. 36. Plaintiff has filed certified copy of order of Tahsildar and copy of panchanama obtained from Hon'ble District Court Aurangabad. Hence I consider that, these documents can be exhibited. Therefore, I pass this order.

ORDER

- 1] This application is hereby allowed.
- 2] Concern clerk is hereby directed to exhibit certified copy of judgment of Tahsildar and panchanama.

Date :- 01.09.2023

(Smt. S. N. Morwale)
Civil Judge Senior Division
(Corporation Court), Aurangabad.

CERITIFICATE

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 : Smt. M. H. Shamnani, Stenographer (Grade-2)Court
: C.J.S.D. (Corporation Court), Aurangabad.
Date : 01.09.2023
Order signed by the
presiding officer on : 01.09.2023
Order uploaded on : 01.09.2023