

MJ.C. No.08/2021
Anandrao Vs Nil.

ORDER BELOW EXH.36
(passed on 18/01/2023)

1] This is an application filed by the objector to de-exhibit the exhibit no. 15 to 20. Peruse the application and say filed by Ld. Adv. for applicant . Heard Ld Adv. for objector and Ld Adv. for applicant.

2] It is the contention of the objector that he has filed the objection stating that the applicant is not the legal heir of the deceased. Exhibit no. 15 to 20 were issued by the police patil and sarpanch, Hence, Exhibit 15 to 20 cannot be a public document. Furthermore exhibit 15 to 20 are not certified copies. In order to give the exhibit to the document person who has issued exhibit no. 15 to 20 needs to be examined. Hence, objector prayed for de-exhibit the exhibit no. 15 to 20.

3] Ld. Adv for the applicant strongly oppose the application and submitted that exhibit no. 15 to 20 are public document. Objector filed the instant the application to prolong the matter and give trouble to the applicant. Hence, Ld Adv for the applicant prayed for rejection of application.

4] The main contention of the objector is that exhibit no. 15 to 20 are not the public document. Sarpanch and police patil issued the exhibit no 15 to 20. Police patil is appointed by the government and sarpanch is the head of the Grampanchyat of the village. Therefore, it cannot be said that the document issued by police patil and sarpanch are not the public document.

5] Ld counsel for objector relied on Hon'ble Bombay High Court judgement of **Smt. Nanda Santosh Shirke Vs Jayshri Santosh Shirke & Others in Misc. Petition no 294/2010**. In Nanda Santosh Shirke(Supra)

Hon'ble Bombay High Court held that marriage certificate issued by sarpanch of Grampanchayat is not the proof of the marriage. Hence, it cannot be accepted as proof of marriage. In the instant case the police patil and sarpanch issued certificate of legal heirs of the deceased vide exhibit no 15 to 20. The instant application is filed with contention that exhibit no 15 to 20 are not the public document. Hon'ble Bombay High Court in Nanda Shirke(Supra) nowhere held that document issued by sarpanch is not the public document. Therefore, ration laid down in above mention authority is not applicable to the present case.

6] It is well settled principal of law that author of the public document are not required to be examined to prove the document. Therefore, public document are exhibited without examining the author of that document. It is pertinent to note that applicant have not been declared as the legal heirs of deceased on the basis of certificate issued by police patil and sarpanch. Opportunity is given to the objector to prove that he is the legal heir of deceased. Objector can prove his claim by leading the oral and documentary evidence. In view of above discussion I am of the considered opinion that being the public document author of exhibit no 15 to 20 are not required to be examined in order to prove the document. Hence, I am not inclined to allow this application and proceed to pass following order.

ORDER

Application is rejected.

Date : 18/01/2023.

Sd/-
(N. D. Meshram)
Civil Judge, Jr.Dn.,
Chamorshi.