


MHJN020013232019 	Spl.C.S.No.57/2019 Hasmukhbhai & Ors-Vs-Lata & Ors
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ORDER BELOW EXH.53
(Dated 09.12.2024)

Defendant no.7 has filed present application for not exhibit to the sale-deed no.161/1976 through PW1.

2. Defendant no.7 submits that,plaintiffs have produced the sale-deed no.161/1976 dated 07.02.1976 is not public document. PW1 was not part of the said sale-deed. PW1 and their relatives were settled the dispute in suit R.C.S.no.351/2011,but defendant no.7 is not party in the said suit. Therefore,consent decree passed in suit R.C.S.no. 351/2011 is not binding on defendant. Hence,defendant no.7 prays that, the sale-deed no.161/1976 may not given exhibit.

3. Plaintiffs objected the application on ground that,present application is not tenable in the eyes of law. Plaintiffs submits that, sale-deed bearing no.161/1976 is a certified copy of the public document, hence it is admissible in evidence. In support of his contention, plaintiffs relies on **2024(1) Civil Courts Cases,Page no. 609 “Atulkumar-Vs-The Chairman and Others” in Writ Petition (Civil) no.609/2024.**

The Hon’ble Apex Court held that,the certified copy of public document is admissible in evidence.

4. Admittedly, the sale-deed in question is certified copy of public document and hence it is admissible in evidence.

5. Heard.

The objection raised by defendant in respect of not to give exhibit through witness have no substance. Application filed by defendant no.7 is devoid of merit. Accordingly order follows :

ORDER

Application is hereby rejected.

Date: 09.12.2024.

(Dilip S.Thorat)
Civil Judge (Sr.Divn.)
Jalna

CERTIFICATE

I affirm that, the contents of this P.D.F. file are word to word as per original order.

Name of Stenographer : Shirish D.Deshmukh
Name of Court : Civil Court (Sr.Divn.),Jalna.
Date of PDF : 10.12.2024.

Steno(M.)