

MHKO050001451996



Shri. Raghunath Chavan Vs.
Shri. Balu Chavan & ors.

ORDER BELOW EXHIBIT NO.393 IN
REG. CIVIL SUIT NO.350/1996

The instant application is filed under section 90 of the Indian Evidence Act to exhibit the document i.e. sale deed dated 06/07/1985 as it is 30 years old document and come from the proper custody.

02. It is contended by defendant no.7 and 8 that, sale deed dated 06/07/1985 was registered vide register no.2123/1985. According to defendants, said document is 30 years old and therefore, it was duly executed and attested in view of section 90 of the Indian Evidence Act. Therefore, they prayed to exhibit the said document.

03. On the contrary, according to plaintiff though said sale deed is 30 years old, but defendants must have to prove its content. Therefore, he prayed to reject the application.

04. I have heard Ld. Advocates for both the parties at length and gone through the record. The defendants have produced sale deed dated 06/07/1985 alongwith list Exhibit No.397 at serial no.1. After gone through the said document, it shows that, it was executed and registered on 05/07/1985 and it is tendered in evidence on

06/11/2019. Thus, it appears that, the sale deed dated 06/07/1985 purporting to be 30 years old. The said sale deed is in the name of defendant no.7 and 8. Therefore, it appears that, the custody of sale deed with them is proper.

05. Moreover, plaintiff in his plaint para 5 admitted the execution of said sale deed. Thus, the execution of said sale deed is not at all disputed between the parties. Dispute between them whether the property mentioned in sale deed was purchased out of joint family nucleus or from the independent income of defendant no.3. Thus, there is no hurdle to raise presumption given under section 90 of Indian Evidence Act that, said sale deed was duly executed and attested. Hence, application deserves to be allowed to the extent of sale deed dated 06/07/1985. Hence, I proceed to pass following order.

ORDER

Exhibit be given to the original sale deed dated 06/07/1985 produced alongwith list Exhibit No.397 at serial no.1, being 30 years old document.

(Dictated and pronounced in open Court)

Sd/-

(P.M.Mane)

4th Jt. Civil Judge, Junior Division,
Ichalkaranji.

Ichalkaranji.
Date: 03/12/2019.

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of stenographer	R. D. Patil.
Name of Court	P. M. Mane, 4 th Jt. Civil Judge Jr. Dvn. and Judicial Magistrate First Class, Ichalkaranji.
Date of Dictation	03/12/2019
Order signed by P.O. on	03/12/2019
Order uploaded on	03/12/2019