

Order below Exh.258 in
Regular Civil Suit No.18/2010

Defendant No. 1 to 6 have filed application for marking exhibits to documents filed along with list Exh.131 (Defendant No.1 to 6 have filed pursis at Exh. 260 to considered Exh. No.131 instead of Exh.133).

2. Perused application and say. Heard learned advocate for defendant No.1 to 6 and learned advocate for plaintiff.

3. It is submitted on behalf of the defendant No.1 to 6 that, they have produced certified copy of plaint, affidavit of examination-in-chief and application filed under Order 1 Rule 10 of C.P.C. along with order. Therefore, all the documents may be marked as exhibits.

4. It is submitted on behalf of the plaintiff that, matter is fixed for final argument. Therefore, it will be not proper to allow to mark exhibit to said documents. It is further submitted that, documents were not exhibited. Therefore, plaintiffs have not cross-examined said witnesses on the point of documents. Therefore, at this stage it will be not proper to mark exhibit.

5. I have gone through the record. It appears from the record that, on 31/1/2020 matter is remanded by Hon'ble District Court, by framing issues with direction to decide issues while giving opportunity to the parties to lead evidence and to produce documents. It transpires from the record that, matter is posted for argument. It reveals from the record that, present

documents are produced on record on 14/12/2015 but those are not marked as exhibit. It appears from the documents that, present plaintiff No.2 had filed Regular Civil Suit No. 288/2013 for declaration of civil death of Prakash Pundalik Mahajan. It also appears that, present defendants have filed application under Order 1 Rule 10 of C.P.C. to implead them as a party. Considering the documents produced along with list Exh.131 it clearly shows that, those documents are in respect of suit filed by plaintiff. Therefore, those documents are not new to the plaintiffs. They have knowledge about the said documents. One more aspect is that, plaintiffs and defendants are parties to the said proceeding. Therefore, they are aware about facts in the said matter. It also appears that, prayers for declaration in present suit and in the suit R.C.S.No. 288/2013 are the same. It also appears that, all documents are certified copies. Therefore, considering the nature of documents in my opinion it will be proper to mark exhibit. If documents are exhibited no prejudice will be caused to the plaintiffs. If the plaintiffs wants to cross-examine defendant witnesses on the said documents they will get an opportunity. Therefore, I pass following order.

ORDER

Three documents filed along with list Exh.131 be marked as Exhibit No.261, 262 and 263.

Ichalkaranji.

Date : 12.06.2025.

(R. S. Rote)

Civil Judge Senior Division,
Ichalkaranji.