



Reg. Civil Suit No. 115/1996.
(CNR No.MHKO110017402017)

Order Below Exh.180.

01. Defendant no.1 made the present application with the prayer to assign exhibit numbers to the documents produced by him.

02. It is the submission of the defendant that, he produced on record documents vide **Exh.94**, in support of his defence. He further submitted that, the documents at serial no.4-A and 29-A vide **Exh.94**. So, to read the same in evidence it is necessary to exhibit the same. Hence, he made the instant application.

03. Plaintiff filed his say on the leaf of the application submitting that, documents in question are public documents. Hence, he requested to pass the necessary orders.

04. Perused the application and say there on. Heard both the parties.

05. Before dealing with the instant application it is necessary to consider here Section 74, 76 and 77 of Indian Evidence Act. In Section 74 of the Indian Evidence Act, the category of the public document is described which include the documents forming the acts of records of public officers of legislative judicial and executive wing of the India. On the other hand, in Section 76 it is provided that, the public officer having

the custody of public document is authorized to issue the certified copy of the public document in question to any person on the payment of the prescribed fees. On bare perusal Section 77 of Indian Evidence Act, it is seen that, certified copy may be produced as a proof of the contents of public document of which it is certified copy. On the other hand on perusing Section 75(5) of the Evidence Act, it is seen that, the proceeding of a Municipal Body shall be proved by producing certified copy of such proceeding. By keeping in mind all these provision of Indian Evidence Act, now let's deal with the instant application.

06. On perusing documents at serial no.4-A and 29-A at **Exh.94**, it is seen that, all these documents are certified copies of public documents. It is also evident from these documents that all these documents are certified by the person having the custody of these documents. So, I am of the candid opinion that, these documents can be read as an evidence. So, considering above discussion I am of the candid opinion that, to read these documents as an evidence, it is necessary to exhibit the same. Hence, considering above discussion I proceed to pass the following order :-

: ORDER :

1. Application below **Exh.180** is allowed.
2. Concern clerk is hereby directed to assign the exhibit numbers to documents at serial no.4-A and 29-A at **Exh.94**.
3. Application is disposed off accordingly.

Date : 15/02/2024.

Sd/-
(**L. M. Pathan**)
Civil Judge Junior Division,
Peth-Vadgaon.