

MHKO180007192014



ORDER BELOW EXH.NO.76 IN S.C.C.No.248/2014
(Prakash Aannappa Aalase v. Parasharam Dhondiram
Khochare)

The complainant has filed present application for exhibiting documents filed along with list of documents (Exh.72).

02. The complainant contended that, he has produced on record certificate issued by the Maharashtra State Co-operative Housing Finance Corporation Ltd., Mumbai at Sr. No.1 along with list of documents (Exh.72). Said certificate is in respect of annual income of the complainant in financial year 2012-2013. The complainant has also filed on record his bank statement at Sr. No.2 along with list of documents (Exh.72). He has further filed on record account statement of the complainant issued by S.S.L. Shripal Alase (Kaka) Kurundwad Urban Co-operative Bank Ltd., Kurundwad at Sr.No.3 along with list of documents (Exh.72). He has also filed on record Form No. VIII-A and 7/12 extracts of agricultural land bearing Gat No.955, situated at village Kurundwad at Sr. Nos.4 and 5, respectively, along with list of documents (Exh.72). Hence, he prayed that, considering nature of above documents it may be exhibited and read in evidence.

03. The accused has strongly resisted present application by filing his say vide Exh.77. He contended that, the complainant has filed present application at belated stage when the case is pending for final argument. Documents at Sr. Nos.1 to 3 filed along with list of documents (Exh.72) cannot be exhibited and read in evidence without it being duly proved. Hence, he prayed that, present application may be rejected.

04. Heard learned advocate Shri. D.D.Magdum for the complainant and learned advocate Shri. S.S.Mane for the accused, at length. Arguments are set forth in consonance of their pleadings.

05. On perusal of the record and proceeding it shows that, when the case was pending for final argument, the complainant has filed present application. On perusal of documents filed along with list of documents (Exh.72) it appears that, documents at Sr. Nos.4 and 5 are Form No. VIII-A and 7/12 extracts, respectively, of agricultural land bearing Gat No.955, situated at village Kurundwad. It is well settled that, revenue entries have presumptive value under Section 157 of the Maharashtra Land Revenue Code. Obviously, said presumption is rebuttable. Hence, in view of presumptive value provided under Section 157 of the Maharashtra Land Revenue Code, documents at Sr. Nos.4 and 5 filed along with list of documents (Exh.72) be exhibited and read in evidence.

06. The complainant has filed xerox copy of his bank account statement at Sr. No.3 along with list of documents (Exh.72). Said document being xerox copy, it cannot be exhibited and read in evidence.

07. The complainant has further filed a certificate issued by the District Superintendent, The Maharashtra State Co-operative Housing Finance Corporation Ltd. Mumbai at Sr. No.1 along with list of documents (Exh.72). Said document is relative to annual income of the complainant in the Financial Year 2012-2013. It is worthy to note that, the complainant has not examined the District Superintendent. In absence of evidence the District Superintendent, a certificate issued by him cannot be exhibited and read in evidence.

08. The complainant has filed his account statement issued by S.S.L. Shripal Alase (Kaka) Kurundwad Urban Co-operative Bank Ltd., Kurundwad at Sr.No.3 along with list of documents (Exh.72). However, it appears that, said account statement is not accompanied by a certificate as contemplated in Section 2-A (a), (b) and (c) of the Bankers' Books

Evidence Act, 1891. Therefore, print out of a account statement without certificate cannot be a document admissible in evidence and it must be along with the certificate by those persons as mentioned in above mentioned provisions. Hence, in absence of a certificate as contemplated in Section 2-A (a), (b) and (c) of the Bankers' Books Evidence Act, 1891, alleged bank account statement of the complainant filed at Sr. No.3 along with list of documents (Exh.72) cannot be exhibited and read in evidence.

09. In view of above discussion, documents at Sr. Nos.1 to 3 filed along with list of documents (Exh.72) cannot be exhibited and read in evidence. However, documents at Sr. Nos.4 and 5 filed along with list of documents (Exh.72) can be exhibited and read in evidence. Hence, the application deserves to be partly allowed. Resultantly, I pass following order :-

:: ORDER ::

1. Application (Exh.76) is partly allowed.
2. Documents at Sr. Nos.4 and 5 filed along with list of documents (Exh.72) be exhibited and it will be read in evidence.
3. Both the parties shall bear their own costs.
4. Both the parties shall take note of this order.

(Dictated and pronounced in the open Court)

Date : 17.07.2025.

[Balasaheb S. Gaikwad]
Judicial Magistrate First Class,
Court No.1, Kurundwad.