

Order Below Exh.56

The present suit was instituted for the possession of land. The suit is pending for evidence of plaintiff. By present application the plaintiff has prayed to call the proceeding in R.C.S No.338/1979 from Ambejogai Court. According to plaintiff he has filed on record the certified copy of decree in R.C.S No.338/1979. So, the original decree is in the court of Civil Judge junior Division of Ambejogai. So, according to plaintiff the original proceeding in R.C.S No.338/1979 is necessary to prove the certified copy of the decree in said suit.

2. On the other hand, defendant No.3 filed his say below application and stated that, the plaintiff is trying to prolong the matter by moving such kind of application. The plaintiff also trying to collect the evidence through process of court which is unlawful. So, he prayed to reject the application.

3. Perused, the application and say. Heard learned advocates for both sides. As per Section 61 of the Indian Evidence Act the contents of document may be proved either by primary or secondary evidence. Section 62 of the Indian Evidence Act states that, the primary evidence to prove any documents means to produce the said documents itself before court. The Section 63(1) of the Indian Evidence Act states that, secondary evidence of document means an includes certified copies given by the appropriate authority. Section 79 of the Indian Evidence Act states

that, the court shall presume the certified copy of any public documents to be genuine and is admissible in evidence.

4. Hence, the certified copy of decree filed by the plaintiff is a public document in view of Section 74 of the Indian Evidence Act and there is not necessity to call the original file in R.C.S No.338/1979 to prove the decree. Hence, the calling of original file R.C.S No.338/1979 will be unnecessary exercise and it will cause delay in the matter. So, in the result I proceed to pass the following order.

ORDER

1. The application stands rejected.

Date :- 04/01/2020

Sd/-
(S. D. Yadav)
Jt. C.J.J.D., Renapur

C E R T I F I C A T E

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

Name of Stenographer	: Dhanshri G. Bhadke
Court Name	: S. D. Yadav, Jt.C.J.J.D., Renapur.
Order Date	: 04/01/2020
Order signed by presiding officer on	: 04/01/2020
Order uploaded on	: 04/01/2020