

MHLA160000032020



RCS No.03/2020

Laxman Vs. Dhondiba & Ors.

ORDER BELOW EXH.46

This is an application for exhibiting documents.

2. Heard learned Advocate Shri. A.A. Bhosale for plaintiff and learned Advocate Shri. S.B. Patil for defendants at length. I have carefully gone through the record. This is suit for perpetual injunction. The plaintiff claimed to exhibit certified copies of Toch Map, Akhiv Patrika, index-C and copy of order along with plaint and copy of order of District Superintendent of Land Record Latur. According to adverse party those documents are not public documents.

3. The Section 56 of the Bharatiya Saksha Adhinyam (BSA) and corresponding section 61 of the Evidence Act (shortly IEA) provides that contents of document may be proved either by primary or secondary evidence. The Section 58 of BSA corresponding Section 63 of the IEA provides definition as, “certified copies given under the provisions here-in-after content” constitute secondary evidence. The Section 60 of BSA corresponding Section 65 of IEA provide secondary evidence relating to document may be given of the existence/conditions or contents of the document in the various cases given there under. As per Sub-section (e), secondary evidence of document may be given of its existence, condition and contents, when the original is a public document within the meaning of Section 74 of BSA corresponding Section 74 of IEA. Accordingly, the public record kept (in any state) of private document within the purview of

public document. The certified copy of public document is having presumption of correctness and genuineness under Section 78 of BSA corresponding Section 79 of IEA. The proof of document by productions of certified copies is provided under Section 76 of BSA corresponding Section 77 of IEA.

4. The aforesaid documents are part of public document and having presumptive value. It is not rebutted on behalf of the defendants. It is admissible in eye of law and no need of oral evidence to prove the same. Therefore, oral evidence is not required to prove same. It is admissible in eye of law. The application is deserved to be allow. Hence, I pass following order;-

ORDER

- 1) The application is allowed and copy of Toch map, Akhiv Patrika, Index-C and copy of order along with plaint and copy of order of District Superintendent of Land Record Latur shall be exhibited in the interest of justice.
- 2) Order dictated on computer and pronounced in open Court.

Date – 06/04/2026.
Deoni.

(S.A. Surjuse)
Civil Judge (Jr.Dn.), Deoni.