

MHLA160000042003 	<u>RCS No.106/2008</u> <u>Ramrao & Ors. Vs. Pandharinath &</u> <u>Ors.</u>
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ORDER BELOW EXH.128

This is an application for exhibiting documents.

2. Heard learned Advocate Shri. U.C. Mahajan for defendants and learned Advocate Shri. U.S. Birajdar for plaintiff at length. I have carefully gone through the record. This is suit for partition and separate possession. The defendants come with defence of previous partition and relied on revenue record. Thus the documents are material in this suit.

3. The Section 56 of the Bharatiya Saksha Adhiniyam (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 157 of the Maharashtra Land Revenue Code provided presumption of correctness and genuineness of revenue entries and record. The Nakkal Kadpatrak, Khasra Patrak, Hissa form No.4, Map, Toch Map, Village Form No.7/12 and mutation are part of the revenue record and entries. Therefore, those record and documents are admissible without oral evidence. The plaintiff's objection in respect belated stage. But it is insufficient to refuse the exhibitions of documents. It is pertinent to note here that the plaintiff has ever chance and opportunity to file counter document or prove the counter fact if necessary and permit the law. Hence that objection is not maintainable.

4. The aforesaid documents are part of public document and having presumptive value. It is not rebutted on behalf of the

plaintiffs. An oral evidence is not required to prove same. The application is deserved to be allowed. Hence, I pass following order;-

ORDER

- 1) The application is allowed and copies of revenue record shall be exhibited in the interest of justice.
- 2) Order dictated on computer and pronounced in open Court.

Date – 11/04/2026.
Deoni.

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

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ORDER BELOW EXH.129

This is an application for permission to file documents.

2. Heard learned Advocate Shri. U.C. Mahajan for defendants and learned Advocate Shri. U.S. Birajdar for plaintiff at length. I have carefully gone through the record. This is suit for partition and separate possession. The defendants come with defence of previous partition and relied on revenue record. Thus the documents are material in this suit. But the defendants trying to file documents on belated stage, without any reason or ground. Thus this fit case to impose costs or delay in filing document. But that delay or belated stage is insufficient to refuse the productions of documents. The application is deserved to be allowed. Hence, I pass following order;-

ORDER

- 1) The application is allowed and the defendants have permitted to produce documents on record subject to costs Rs.500/- in the interest of justice.
- 2) Order dictated on computer and pronounced in open Court.

Date – 11/04/2026.
Deoni.

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