

R.C.S.No.56/2023
(Pandurang Vs.State)

ORDER BELOW EXH.73
(CNR No. MH0S170002572023)
(Passed on 13th October, 2025)

1. This is an application by plaintiff seeking Exhibition of documents.
2. It is the contention of plaintiff that along with list Exh. 55 and 56, he filed certain important original documents which ought to have been exhibited. Hence, prayed for reading those documents by marking them as exhibits number.
3. The defendant resisted the application on the ground that evidence of both parties were concluded and matter is posted for final argument. The documents are not exhibited. Therefore, those cannot be read in evidence.
4. Heard both advocate at length. Peruse the record. It discloses that on 07/10/2024 the plaintiff has filed the documents below Exh. 56. At the relevant time matter was posted for plaintiffs evidence. The enlisted documents are nothing but original grampanchayat tax receipts. It is pertinent to note that, those receipts are about payment of taxes by the plaintiff in respect of facilities exhausted by plaintiff at the relevant time. Therefore, those receipts are not the public documents. Exhibition of any document and reading them in evidence are concern, it can only be done after proof of said documents. Rather the proof in connection with not only about contents of those documents but also about truthfulness of those contents. Those can be gathered in terms of reasonable and proper proof according to the provisions of Indian Evidence Act/ Bharatiya Saksh Adhinyam.

5. Admittedly, exhibition of document is a ministerial act which has no concern with the proof of document as above. However, as a matter of caution the documents can be exhibited only in terms of availability of proof under B.S.A. or Indian Evidence Act. The enlisted document below exh. 56 pertains to specific transactions in between plaintiff and the concerned grampanchayat. It cannot be read and exhibited unless the reasonable and probable evidence about its contents and truthfulness came on record.

6. The Ld. Advocate for plaintiff argued that the copies of said documents were already placed on record at the time of institution of suit. As already pointed out, the original documents under list Exh. 56 were produced when plaintiff's evidence was in continuance. He could have proved it at the relevant time with the help of relevant evidence. Merely, filing of copies at initial stage and original at later does not by itself exclude the lawful requirement of proof of document under the provisions of B.S.A./ Indian Evidence Act. Now, matter is posted for final argument. Therefore, exhibition of document directly without any legal satisfaction about proof of contents and its truthfulness does not call for. Accordingly, in absence of such evidence, exhibition of those documents does not survive. Hence, the application is devoid of merit and liable to be rejected. Hence following order.

Order

The application stands rejected.

Place:- Kallam
Date:- 13/10/2025

(**P. R. Kulkarni**)
Civil Judge Senior Division
Kallam

CERTIFICATE

I affirm that, the contents of this P.D.F. file Judgment / order are same, word to word, as per the original Judgment / order.

Name of Stenographer	Nikita Pandurang Jadhav
-	Stenographer Marathi (L.G.)
Court	Civil Court, Senior Division, Kallam.
Date	13.10.2025

Order signed by the 13.10.2025

Presiding Officer on	
Order uploaded on	14.10.2025