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Civil Misc. Application No. 4/2026.

CNR No. MHRT010000502026

Shri. Ashok Moreshwar Mehandale

Applicant

Vs.

Shri, Santosh Dattatray Kothari

Opponent

Order below Exh. 35.

(Date 29.07.2026)

1. By way of present application the applicant has prayed for permission to produce the documents. The application has vehemently opposed by the opponent by filing say below it.

2. Perused the application and say. Heard respective counsels.

3. Ld. Counsel for the applicant submitted that the documents are necessary for the adjudication of the matter. That the opponent has objected to produce the documents only in respect of so called copy of Exh. 80 in Regular Civil Suit No. 64/2000 before Civil Judge, Junior Division, Dapoli and report of Superintendent in Additional District Court Khed dated 16.08.2006 and the order of the Ld. Additional District Judge, Khed dated 16.08.2006. It has submitted that those copies are neither certified copies nor verified copies of the original proceeding. Ld. Counsel for the applicant fairly agreed to this.

4. As the opponent has no objection for production of documents at Sr. No. 1 to 3 in the list which are copies of

judgments of the Trial Court, First Appellate Court as well as Hon'ble High Court, the application Exh. 35 is required to be partly allowed only to the extent of production of documents at Sr. No. 1 to 3 in the list.

5. As the applicant failed to point out as to how the documents at Sr. No. 4 came to his custody without any authentic source, such Court record can not be considered without being either certified copies or verified copies of the original Court records. If the averments of paragraph No. 10 of the application would perused, it has tried to mention that the original record is not available in the Court rather it has been destroyed. Though it is mentioned in said paragraph that attested copy of Exh. 80 was produced in DC No. 70/2008 and the copy thereof has produced in this Court, there is no endorsement of attestation appeared on the documents. As Ld. Counsel of applicant has fairly considered the same, the application required to be partly allowed in above term. Hence, I pass following order.

ORDER

1. The application Exh. 35 is hereby partly allowed to the extent of permitting to produce the documents at Sr. No. 1 to 3 mentioned in the list at Exh. 38.

2. Rest of the documents are not taken on record.

Date : 29.07.2026.

(V. Y. Jadhav)
Principal District Judge,
Ratnagiri.