

Order Below Exh-94

1. Present application is moved by the plaintiff seeking the prayer of exhibition of the document i.e. Vyavasthapanpatra dated 30/12/1966 which is produced by him.

2. According to the plaintiff the Vyavasthapanpatra dated 30/12/1966 which is a certified copy of original document. The Vyavasthapanpatra dated 30/12/1966 is important document in this case. The suit is based on this document only. Hence, prayed to exhibit the Vyavasthapanpatra dated 30/12/1966 and read in evidence.

3. The defendants filed their say below said application and strongly objected the application. As per the say of the defendants the document is not in original form. Hence prayed to reject the application.

4. Perused the application and say. Heard both the sides. Firstly, the application is not supported with an affidavit of the plaintiff, hence on this count only it deserves to be rejected. Secondly, by reading the application it is not reflected under which provision present application is moved.

5. The present suit is filed by the plaintiff for partition and possession and for perpetual injunction. Record shows that

the plaintiff have closed his evidence and the suit is pending for further cross examination of the defendant and the plaintiff moved present application. The plaintiff produced on record the certified copy of Vyavasthapanpatra dated 30/12/1966 and prayed to exhibit said document and read in evidence. The defendants have strongly objected the exhibition of Vyavasthapanpatra dated 30/12/1966. In such situation, the plaintiff have to prove said Vyavasthapanpatra dated 30/12/1966 by leading cogent evidence in respect of said document as per the Indian Evidence Act. Therefore, unless and until the contents of said Vyavasthapanpatra dated 30/12/1966 is proved it cannot be exhibited and read in evidence as prayed by the plaintiff.

6. Considering all the above aspect of the matter, the application deserves to be rejected. Hence, I pass the following order:-

Order

1. The application stands rejected.

Date :-03/01/2020.

Place:- Dapoli.

(V.V.Patil)

Civil Judge (J.D.)

Dapoli.

CERTIFICATE**R.C.S. No. 31/2015.**

I affirm that, the contents of this pdf file judgment are same, word for word as per original judgment.

Name of Stenographer :- N.N.Desai

Court Name :- V.V.Patil,C.J.J.D.Dapoli

Date of Decision :- 03/01/2020

Order directly dictated :- 03/01/2020
on Computer on

Order signed by P.O. on :- 03/01/2020

Order uploaded on :- 04/01/2020