MHRT080001272019

Order Below Exh. 110

in R.C.S. No.14/2019

Through this application, the plaintiff has prayed for exhibiting sale deed dated 06-04-1944 and 16-08-1944 bearing no. 241 and sale deed dated 27-11-1946 and 29-11-1946 bearing no. 294 which are filed at list at Exh. 57. It is claimed that certified copies of said public document have been placed on record.

02. It is claimed that all the sale-deeds are registered instruments duly registered as per the provisions of Indian Registration Act, 1908 and in view of section 68 of the Indian Evidence Act, their attestation need not be proved separately. The fact that these instruments are registered instruments, is evident from their perusal. These documents are public documents within the meaning of section 74(2) of the Indian Evidence Act. Thus, it is clear that for the purpose of proving attestation, attesting witnesses need not be proved in view of section 68 of the Indian Evidence Act. However, for proving truth and veracity of contents of these documents, executants are required to be examined. Accordingly, it is prayed that it may be exhibited. The learned Advocate for defendant has strongly resisted the application on the ground that said document is not duly proved as per the provisions of law. Hence, he prayed that application may be rejected.

03. Document which is registered as per the provisions of Indian Registration Act, 1908, is undoubtedly a public document within the meaning of section 74(2) of the Indian Evidence Act.

Hence, genuineness of the contents of document can be very well presumed. However, veracity of such contents needs to be proved by adducing appropriate oral evidence in respect of such instrument. In absence of such oral evidence, veracity of contents of said instrument cannot be said to be proved. This view is fortified by the judgment of the Hon'ble Bombay High Court in **Omprakash Berlia Vs. U.T.I. (1983 CR.L.J. 1**).

04. Coming to the question of exhibiting these documents, it is settled legal position that exhibiting a particular document is an administrative act and mere exhibition of such document can never taken to mean that document is duly proved and that it can be read in evidence. Exhibiting a document and reading it in evidence, are totally different acts.

05. Exhibiting a particular document and reading it in evidence are two different things and mere exhibiting of document cannot be said that such document can be read in evidence. Exhibit number is given to a particular document for administrative purpose with a view to identify it in the proceeding.

06. In the circumstances, these sale-deeds being registered as per the provisions of Indian Registration Act, 1908, they are exhibited for the purpose of identification only keeping the question of its admissibility open for arguments. Hence, the 2 sale-deeds filed along with Exh.57 be exhibited. In the circumstances, I see no impediment in exhibiting the document keeping the objection in respect of proof of veracity of contents open for arguments. Hence, the order:-

O R D E R

01. The instrument sale deed bearing No.241 and 294 be exhibited for the purpose of identification only.

02. Parties are at liberty to adduce oral evidence for proof of veracity of its contents.

03. Parties are at liberty to adduce further evidence for proving /disproving their contents as the case may be.

04. Application is disposed off accordingly.

(Dictated & pronounced in open Court)

SHRUTI HANUMANTRAO PATIL

Digitally signed by SHRUTI HANUMANTRAO PATIL
Date: 2025.02.17 18:46:21 +0530

Date:- 01.02.2025.

(Shruti H. Patil)
Civil Judge, J.D. Deorukh.