



CNR No. MHSI070005482021
Order passed below Ex. No. 44
in R.C.S. No. 98/2021

By this application, the defendant prays for issuance of a witness summons to the Gram Vikas Adhikari, Gram Panchayat, Tiravade, Taluka Mavan, for the purpose of proving the documents filed along with List at Exhibit 31/1 to Exh. 31/9.

2. It is the contention of the defendant that the documents annexed with Exhibit 31 are records maintained by the Gram Vikas Adhikari, Gram Panchayat, Thiruvadi. To prove their authenticity, the defendant seeks to summon the said officer along with the original records for the purpose of adducing evidence and producing the documents in court.

3. Perused record. Heard learned advocate for the plaintiff. On perusal of the record, it appears that the documents at Exh.31/1 to 31/6 and Exh.31/9 sought to be proved through the Gram Vikas Adhikari are assessments extracted i.e. public documents.

4. As per Section 79 of the Indian Evidence Act, when a certified copy of a public document is produced, the court shall presume it to be genuine, provided the document:

- * Is declared by law to be admissible as evidence of a particular fact, and
- * Is duly certified by an officer of the Central or State Government authorized for that purpose.

5. Therefore, in view of the presumption of genuineness under Section 79, the production of certified copies of such public documents would suffice to prove their authenticity. It is not necessary to summon the Gram Vikas Adhikari to give oral evidence or produce the original records.

6. Whereas documents at Exh.31/7 and Exh.31/8 are concerned these are applications submitted by the plaintiff to the Gram panchayat. During the cross examination the plaintiff has denied that he has submitted any such application. However he admitted his signature on these documents. The defendant does not have office copy or the original. Opportunity needs to be given to the defendant to prove his case. Therefore, it would be just and proper to issue summons to Gram Vikas Adhikari, Grampanchayat Tiravade for production of the documents at Exh. 31/7 and Exh.31/8 available in their records.

7. Needless to say, the defendant is at liberty to file certified copies of the documents at Exh.31/1 to 31/6 and Exh.31/9 in accordance with law. Therefore the application deserves to be partly allowed. Hence following order,

ORDER

1. The application Exhibit 44 is partly allowed.
2. Issue witness summons to Gram Vikas Adhikari, Grampanchayat Tiravade for production of document filed at Exh. 31/7 and Exh. 31/8.

Pronounced and dictated in open Court.

Date - 18/06/2025

M.K.Fakih
Civil Judge Jr. Dn., Malvan.