



CNR NO. MHSI09-000170-2016
Order passed below Exh. No.115
in R.C.S. No.56/2016

Defendant has moved this application praying to mark Exhibit and read in evidence the registered Release Deed (Hakkasodpatra) dated 25/05/2010.

02. The Defendant submits that the present suit is for partition. It is contended that the Plaintiff has explicitly admitted the execution of the registered Release Deed dated 25/05/2010 in paragraph 4 of the plaint, though claiming it is not binding on his share. Furthermore, during the cross-examination of the Plaintiff's witness Madhukar at Exh. 65, the execution of this document by his father has been admitted. Pursuant to a notice to produce issued by the Plaintiff, the original deed was submitted to this Court on 09/09/2025. Since the document is a registered public document and its existence is admitted within the pleadings, the Applicant prays for it to be exhibited to facilitate a proper adjudication of the matter.

03. The Plaintiff has filed his say at Exh. 117 and strongly resisted the application. It is contended that the application is misleading and an attempt to circumvent the proper legal process. The Plaintiff states that merely because a document is registered does not automatically dispense with the formal standard of proof required under the law. Hence, he prayed that the application be rejected.

04. Perused the application, say, and the original document produced on record. The document in question is a

"Vina Mobadala Hakkasodpatra" (Release Deed without consideration) dated 25/05/2010, registered with the Sub-Registrar, Devgad bearing No. 662/2010. Heard both sides.

05. It is a settled position of law that when a document is registered and its execution or core existence is reference, admitted or confronted in the cross-examination of the opposite party, marking it as an exhibit assists the court in identification and regularizes the record. The marking of an exhibit on a document is primarily for identification and does not automatically dispense with its final evaluation or proof of its contents according to law. The evidentiary value, relevance, and binding nature of the said document will remain open to be final-argued at the stage of ultimate arguments. No prejudice will be caused to the Plaintiff if the document is formalised on record. Hence, the application deserves to be allowed. :

- ORDER -

1. The Application at Exh.115 is hereby allowed.
2. The registered Release Deed (Hakkasodpatra) dated 25/05/2010 be marked as an Exhibit No.122, subject to final evaluation of its evidentiary value at the time of final judgment.

Date : 17/07/2026

(Shrikant S. Pachandi)
Civil Judge Junior Division,
Deogad.