

MHSN050006062014



**Order below Exh. 170 in Regular Civil Suit No. 157/2014**

1. The plaintiffs by this application submitted that the documents filed as per list at Exh.148 be exhibited as the defendant has not denied it within statutory period after issuance of notice at Exh.149. It is further submitted that say of defendant is given to the said notice after statutory period therefore inference may be drawn that the documents are admitted by the defendants. It is prayed that the documents at Sr. Nos.1 to 4 and 53 filed as per list at Exh.148 be exhibited as admitted by the defendant. Further it is submitted that the documents at Sr. No.5 to 52 filed as per list Exh.148 are public documents, therefore they may be exhibited.

2. Say of the defendant has been called. It is submitted that order at Exh.148 of filing documents is of dated 14/10/2022 and the notice given to the defendant at Exh.149 is prior to that therefore, from the date of issuance of notice limitation did not start. The defendant has filed his say that documents are not admitted to him. Therefore, the application is not maintainable. It is also submitted that other documents are not public documents. Hence, application be rejected.

3. Heard the learned counsel for both sides. Gone through the case record. It appears that the defendant has specifically denied the documents after issuance of notice. It appears that the documents at Sr. No.1 to 4 and 53 are sale deeds, therefore the documents are private documents. The defendant specifically not admitted those

documents therefore, inference cannot be drawn that they are admitted to him. The plaintiffs have to prove those documents according to law. Therefore, those documents cannot be exhibited.

4. As regards documents at Exh.5 to 52, it appears that these documents are 7/12 extracts, mutation entries etc. These documents are public documents. There is a presumption in respect of public documents that they are true and correct unless they are rebutted. Therefore, being public documents, it are admissible in evidence and it has presumptive value. Therefore, these documents has to be exhibited. Needless to say that the defendant has an opportunity to rebut the presumption in respect of these public documents according to law. Hence, order.

**ORDER**

1. The application is partly allowed.
2. Only the public documents at Sr. No.5 to 52 filed as per list at Exh.148 be exhibited.

Islampur  
Date: 19/8/2023

(V. G. Chaukhande)  
Civil Judge Senior Division,  
Islampur

**CERTIFICATE**

I affirm that, the contents of this P.D.F. file order/Judgment are same, word to word, as per the original order.

Name of Stenographer : S. A. Desai (Gd-II)  
Court : Civil Court Sr.Dn.Islampur  
Date of Order/Judgment: 19/8/2023  
Signed on : 19/8/2023  
Uploaded on : 22/8/2023