

ORDER BELOW EXH.90

IN

Spl.C.S.No.59 of 2014

(I A No.1/2021)

This is an application to exhibit the documents.

2. It is submitted on behalf of the plaintiff that the plaintiff has filed several public documents, those should be exhibited. While defendants have also filed such documents, those may also be exhibited. The application is opposed on behalf of defendant No.1 as false and not maintainable. Documents are said to be disputed, hence cannot be exhibited.

3. There is presumption as to public documents under Section 77 Indian Evidence Act. Those are deemed to be correct unless shown otherwise. So also under Section 157 of Maharashtra Land Revenue Code revenue entries are deemed to be correct, unless shown otherwise. Hence, there is no hurdle to exhibit public documents directly. The private documents should be proved as per Indian Evidence Act.

4. Though the application is vague as to where the plaintiff and defendants have filed said public documents, but the said fact can be ascertained from perusal of record.

5. Defendant has filed photo copies of documents along with list vide Exh.35. Hence, these are not being certified copies, those cannot be exhibited. Plaintiff has filed documents along with application vide Exh.75. But it is correspondence between sugar factory and the plaintiff. It should be proved as per the Indian Evidence Act. Some documents filed along with list vide Exh.4 are public documents. The 7/12 extracts and mutation entries have been filed from serial No.1 to serial No.14. Hence, those can be directly exhibited. As far

as power of attornies concerned, thouse should be proved in the evidence. Then along with same list by serial No.17 to 32 again certified copies of 7/12 extracts and mutation entries have been filed. Hence, those can also be exhibited. The complaint of plaintiff to police station should be proved by the plaintiff in his further examination-in-chief .

6. The plaintiff has also filed public documents along with list vide Exh.37. Tax receipts issued by public departments and 7/12 extracts, 8-A forms are public documents and those can be directly exhibited. As far as other documents in this list are concerned the affidavit of plaintiff and photo bills and photos should also be proved and those cannot be directedly exhibited. The documents filed along with list Exh.50 and 69 are photo copies and cannot be exhibited. Hence, following order is passed.

ORDER

The 7/12 extracts and mutation entries filed along with lsit vide Exh.4 and receipts issued by public offices along with 7/12 extracts and mutation entries filed along with list vide Exh.37 be exhibited.

Sd/-

Pandharpur
Date:-26.03.2021

(M.R.Jadhav)
Civil Judge Senior Division,
Pandharpur

CERTIFICATE

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

Name of Stenographer : B.R.Kondekar
Court Name : Civil Court Senior Division, Pandharpur
Date : 26-03-2021

Order/Judgment signed
by the Presiding Officer on : 26-03-2021

Order uploaded on : 26-03-2021