

**ORDER BELOW EXH. No. 95**

This is an application by defendant Nos. 5 and 6 stating that, in evidence paper publication dated 23.06.2021, the document issued by Dy. Registrar Office, Baras Dast No.3326/2021 along with paper publication dated 07.08.2021 and Baras Dast No.4468/2021 is filed along with list in evidence. The plaintiff has neither challenged nor raised objection in cross-examination. Moreover, plaintiff has not denied its authenticity. The defendants have referred the said documents in their chief, however, it is not exhibited. Therefore, the above documents being filed along with chief be exhibited and read in evidence.

02. The objection by the plaintiff contending that, defendants having opportunity failed to get it exhibited. Moreover, application at Exh.82 of same nature filed by defendants, which came to be partly allowed on 11.04.2025 for production with list of documents. However, it was observed in the said order that, for giving exhibit, it has to be referred in chief-examination. The defendants have not got it proved in the hearing in person or through witness. Therefore, the plaintiff has not cross-examined on that documents. Cross-examination is over, no re-chief is taken by the defendants. Therefore, this application is not tenable, it be rejected.

03. Read application and say filed. It appears that, at Exh.82 application by the defendants came to be partly allowed and permission granted to produce documents which were filed as per list annexed to the said application. It is settled principle of law that, produced of documents, tendering of documents in evidence and

proving the documents are three different stages and aspects. In this case, the defendant Nos.5 and 6 produced the documents, it is allowed as per order below Exh.82. Secondly, it is alleged that the defendants referred the said documents in chief-examination i.e. tendered in evidence. Thirdly, it was for defendants to get the said documents exhibited as per the Evidence Act. In that circumstances, the plaintiff would have cross-examined. The third aspect is not complied by the defendants. It may be a technical issue, exhibiting the documents is administrative part, however, when objection is raised then the concern parties ought to have tendered the documents and prove it as per Evidence Act, so that, other side get opportunity to cross-examine. In this case, the plaintiff has not cross-examined as the defendants failed to tendered the documents and get exhibited. In my view, at this stage, documents cannot be exhibited and read in evidence, unless the defendants comply the above stages. It is not an administrative part merely the documents referred in chief and it is to be exhibited technically. In view of above discussion, application is liable to be rejected. Hence, I proceed to pass the following order:-

**ORDER**

01. An application is rejected in view of above observation.
02. Costs in cause.

Date:- 18.04.2026

(P. B. Lokhande)  
Civil Judge, Senior Division, Barshi.

**CERTIFICATE**

I affirm that the contents of this PDF file Order / Judgment are same word to word, as per the original Order / Judgment.

Name of the Stenographer	: Shripad N. Chilka, Steno Grade-2.
Court	: Civil Court Senior Division, Barshi.
Judgment/Order signed by the P. O. on	: 18.04.2026
Judgment / Order uploaded on	: 18.04.2026