

ORDER BELOW EXH. 71

The plaintiff has filed this application to give exhibit numbers to the documents which are filed by him as per the application at exhibit-69 and he has also prayed to read the same in evidence. He has submitted that, during the course of cross-examination, learned Advocate for defendant Nos. 5 and 6 put it to the plaintiff that whether he could produce the said documents. The plaintiff had replied that, he would produce the said documents on the next date. Therefore, the plaintiff has produced the said documents. With such submissions, he has prayed to allow the application as prayed.

02. On behalf of defendant Nos. 5 and 6, their learned Advocate has given his say on the application. He has objected the application. He has submitted that, the application is not maintainable. Without following due process of law, the documents cannot be read in evidence. There is no such provision in the CPC or in the Evidence Act. The said documents do not fall within the category of public document. With such submissions, he has prayed to reject the application.

03. When called, learned Advocates for both the parties are absent. I have perused the record of the case. It appears that, upon the questions put it to him by the learned Advocate for defendant Nos. 5 and 6 during the course of cross-examination and the answers given by him, the plaintiff wants to produce the documents which are filed by him along with the application at exhibit-69. Out of the said documents, the document at serial No. 1 is the certified copy of the sale deed. Document at serial No. 2 is the statement of account issued by HDFC Bank and the document at serial No. 3 is the bunch of income tax return verification form for the year 2020-2021 and computation of total income. He has prayed that, the said documents be given exhibit numbers and it be read in evidence. As referred to above, learned Advocate for defendant Nos. 5 and 6 has opposed the application for the reasons stated above.

04. This being the position, it appears that, the above noted certified copy of the sale deed is a certified copy of a public document. It can be given exhibit number for the limited purpose to prove that, the document was presented before the registration officer for registration, that the execution had been admitted by the person who claimed to be the executant of the document and that the document was thereafter registered in the registration office and entered (copied) in Book-1. However, if the plaintiff wants to admit the other documents in evidence, he will require to prove it as per law. Hence, I pass following order :-

ORDER

The application at exhibit-71 is partly allowed.

02. The document at serial No. 1 which is filed along with the application at exhibit-69 i.e. the certified copy of the sale deed referred to above is admitted in evidence for the limited purpose stated above and it be given exhibit number.
03. The plaintiff is at liberty to prove the documents at serial Nos. 2 and 3 which are filed along with the application at exhibit-69 in accordance with law.

Date : 08.08.2024

(A. P. Khanorkar),
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	: S. N. Chilka
Court	: Civil Court Senior Division, Barshi.
Judgment / Order signed by the P. O. on	: 08.08.2024
Judgment / Order uploaded on	: 12.08.2024