

**ORDER BELOW EXHIBIT-158**

The plaintiff prayed for de-exhibiting the alleged documents Exh. 156 and 157. He submitted that those documents are not proved by defendant No. 6 as per the procedure laid down in law. So those documents required to be de-exhibited. On the other hand defendant No. 6 strongly opposed the application. He submitted that there is no provision for de-exhibiting the document. Hence prayed for rejection of the application. Heard both parties. The permission was given to defendant No.6 to lead secondary evidence in respect of certified copy of sale deed and will. Accordingly those documents are exhibited in the evidence of DW 1 Khandoji vide Exh. 156 and 157.

2. No doubt as per Section 68 of the Evidence Act, to prove the document, the party has to at least examine one attesting witness of document on which he is relying. Defendant No. 6 relying on will and sale deed. If the other party has not specifically denied about the execution then it is not necessary to examine the attesting witness of sale deed. However to prove the will, the party has to examine at least one attesting witness on the will. Defendant No. 6 has not examine attesting witness of both documents. So mere

exhibiting the document, that does not mean that the document is proved. The party has to prove the document as per the procedure laid down in law. The exhibit can be given to the document to recognize where the document is lying in the file. Giving exhibit is the administrative work of the court. So considering this situation, this is not fit case for de-exhibiting the document. Hence application is rejected and liberty is given to the plaintiff to argue upon the proof of document at the time of final argument.

Barshi.
Date : 03/09/2024.

(S.B. Vijaykar)
Jt. Civil Judge (J.D.), Barshi.

C E R T I F I C A T E

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

(a)	Name of the Stenographer	:	
(b)	Court	:	Shri.S.B. Vijaykar, Jt.C.J.J.D.&J.M.F.C. Barshi.
(c)	Judgment /Order declared on	:	03/09/2024
(d)	Judgment /Order signed by P.O. on	:	03/09/2024
(e)	Judgment /Order uploaded on	:	03/09/2024