

Order Below Exhibit 50.

The plaintiff has prayed for giving her the permission for production of documents as well as exhibiting the alleged documents being public documents. She submitted that, she has recently found these documents which are important for just decision of the case. On the other hand, the defendants have strongly opposed the application. They submitted that, the present case is for argument. So, when the case is at the fag end of the trial, the plaintiff has not mentioned any reason for filing documents at the belated stage. Hence, prayed for rejection of the application.

2. Heard both parties. The ld. counsel for plaintiff argued that, when he prepared the case for argument, he pointed out some queries to the plaintiff to which the plaintiff mentioned that, she has some documents to prove the paternity of the plaintiff with defendant No.1. So, these documents are important to prove issue No. 1. On the other hand, the ld. counsel for defendants argued that, the plaintiff to face D.N.A. test for proving the paternity. Alleged documents are not important to prove paternity. Even the case is for argument, if these documents are exhibited then, they will loose an opportunity for disproving the alleged documents being public documents when having presumptive value to them.

3. I have considered the argument advanced by both parties. I have perused the plaint and the written statement. The

plaintiff mentioned in the plaint that, she is the daughter of defendant No.1, whereas the defendants mentioned in the W.S. Exh. 15 that, the plaintiff is neither legitimate nor illegitimate daughter of defendant No. 1. This means, the defendants have challenged the paternity of plaintiff. Accordingly, issue No. 1 is framed at Exh. 20 and burden cast upon the plaintiff to prove her legitimacy with defendant No.1.

4. The plaintiff wants to prove her legitimacy. According to her the alleged documents are recently found to her. I have perused the list wherein it appears that, the date of document No. 1 is 9th June 2016 whereas the date of second document is 24th January 2022. Document No. 2 is the extract of suit register of this court which registered the case against the accused which filed by P.S. Vairag on 07/06/1980. This document is the public document. Document No. 1 is the copy of the extract of Electoral Role of Barshi Vidhansabha. This document is also public document.

5. No doubt all these documents have public documents and there is presumption to these documents. The burden is upon the defendants to rebut the presumption of public documents. If the production would be allowed then, opportunity of disproving the document required to be given to the defendants. Considering this principle, I am of the opinion that, though the plaintiff has mentioned that, she has recently found these documents, these documents are important to decide the fate of this suit. So,

application Exh. 50 is allowed and thereby the exhibit numbers are given to the alleged documents. It is directed to the plaintiff to present her witnesses as per the choice of the defendants for cross examination on the alleged documents whose production is allowed.

Barshi.
Dt. 31-10-2022

(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.B.Salvade
(b)	Court	:	S.B.Vijaykar, Jt.C.J.J.D.&J.M.F.C. Barshi.
(c)	Judgment /Order signed by P.O. on	:	31/10/2022
(d)	Judgment /Order uploaded on	:	01/11/2022