

ORDER BELOW EXH. 99 IN SPL. DAR. NO. 39/2015
Ramchandra Tapase deceased Thro.L.Rs. V/s Shevantabai Tapase & Ors.
CNR No. MHST050004092015

This is an application filed by J.D.No.9 in view of provision Sec.90 of Indian Evidence Act.

02. It is averred in the application that, J.D.No.9 has submitted application at Exh.85 for seeking permission to lead secondary evidence. Said application was allowed by this Court. At Exh.87 sale deeds are produced, which were executed prior to more than 30 years. Present application is filed to exhibit those sale deeds.

03. J.D.No.2 has filed his say and resisted the contention of the application.

04. Heard. Perused Record.

05. D.H.'s have filed this execution petition for execution of decree passed in Spl.C.S.No.449/2000 (Old Spl.C.S.No.307/1999) decided on 04.11.2008. J.D.No.9 has filed certified copies of the sale deeds on the record. Original sale deeds are not filed on the record. As per Sec.90 of the Indian Evidence Act, though there is presumption in respect of execution and attestation. This presumption is applicable to original documents. J.D.No.9 has filed certified copies of the sale deeds. Therefore, J.D.No.9 has to prove those documents as per the provisions of Indian Evidence Act. Exhibition of documents and to prove contents of the documents, these are two different things. Though certified copies of the sale deed more than 30 years old, those cannot be exhibited without following due process of law. J.D.No.9 is at liberty to take appropriate steps to prove those documents. In such circumstances, application is not

tenable. Hence, I pass the following order-

ORDER

Application is rejected.

Place : Karad
Date : 12.09.2025

(J.J.Mane)
4th Jt. Civil Judge Sr. Dn., Karad.