

**RCS No. 45/2018**  
**Krushna Vs. Lalita**

**Order Below Exh.70**  
**(Passed on 25<sup>th</sup> July, 2023)**

This is an application filed by the defendant for exhibiting the original documents filed alongwith list Exh.68. It is contended by the defendant that she has filed some original documents alongwith Exh.68. Those are 30 years old documents and therefore, they be exhibited.

2. Said application has been resisted by the plaintiffs vide reply Exh.71. It is contented by the plaintiffs that this is suit for injunction and the plaintiffs evidence is going on. The defendant will get opportunity to prove the proposed documents when her evidence will start. The plaintiffs denied the fact that those documents are 30 years old. The plaintiffs have prayed for declaration regarding those documents and therefore, their credibility can be decided on merit on conclusion of trial. For all these reason, he prayed to reject the application.

3. Heard both the sides. Perused the record. It is a matter of record that the defendant has filed sale-deeds dtd.14.06.1982 bearing No.969/1982 and 970/1982 respectively. She has also filed orders dtd.08.04.1976, 03.06.1976 passed by the Sub Divisional Magistrate Mahabaleshwar. Further, she has filed challan dtd.27.03.1974, 21.01.1976, 07.06.1990 & 17.06.1990. All these documents are originals. Admittedly, these documents are 30 years old. As per the provision under Section 90 of the Indian Evidence Act the documents

which have been executed prior to 30 years have presumptive value. In such circumstances, those can be executed. The legal proposition regarding the presumption can be considered, as well. No prejudice will be caused to the other side by exhibiting those documents. In view of this discussion, the application deserves to be allowed by passing following order:

**ORDER**

1. The application (Exh.70) is hereby allowed.
2. The original documents filed alongwith list Exh.68 be exhibited in accordance with the provision under Section 90 of the Indian Evidence Act.
3. Cost in main cause.

Wai.

Date : 25.07.2023.

(R.M. Bhende)  
2<sup>nd</sup> Jt. Civil Judge Jr. Dn., Wai.