

**Spl. C.S. 8 of 2017
Ramchandra & Ors.,
Vs. Tanaji & Ors,**

ORDER BELOW EXH. 123.

Read an application and reply filed by the defendants. Perused the record. The learned counsel for the plaintiff Adv. Shri. N.D. Yadav and the learned counsel for defendant No.3 Adv. T.J. Nalawade.

2. Plaintiffs filed this instant application and submitted that on previous date i.e. 04.02.2019 plaintiffs examined to one witness i.e. the plaintiff no. 2 Vivek Ramchandra Jagtap. At that time, the document produced with the list of documents at Exh. 67 was exhibited as of Exh. 69 to 87. Therefore, plaintiffs prayed to consider the said exhibited numbers of the documents and read in evidence.

3. On the contrary, defendants opposed to this application on the ground that, there is no reason mentioned about the exhibiting the documents. The aforesaid documents can not be exhibited without having provision and therefore prayed to reject the application.

4. On perusal of record, it appears that, the plaintiff no. 2 filed an affidavit in lieu of examination in chief at Exh. 66. However, there is no any order of my Learned predecessor to mark as exhibit to the documents produced with the list of document at Exh. 67. AS per the list of documents at Exh. 67, the document no. 1 to 3, 5, 8,10, 16, 21 are appears to be public document and remaining documents are private documents. The public documents can be exhibited

directly without examination of any witness. It is not necessary to refer the public document to the witness to exhibit the same. Therefore, in my opinion, the aforesaid document no. 1 to 3, 5, 8,10, 16 and 21, being public document can be exhibited. The plaintiff is required to refer the remaining documents to the witness at the time of examination of the said witness. With this observation, I proceed to pass the following order.

ORDER

1. The application is partly allowed.
2. The document no. 1 to 3, 5, 8,10, 16 and 21 produced with the list of document at Exh. 67, being public document be exhibited.
3. Both the parties are directed to take note of it.

Vaduj
Date:16.06.2023

(D.D. Fulzele)
Civil Judge Sr.Dn., Vaduj