

ORDER BELOW EXH. 1 IN R.C.S. NO.179/2015
CNR NO. MH17-001525-2015

(Chandrakant Patil and others Vs. Asif Dhanani and others)

1] Plaintiff moved this application for exhibiting the documents i.e. sale deed bearing registration no. PLR-1054/2018 and registered release deed bearing no. PLR-10201/2012.

2] Learned advocate Shri. Pal for plaintiff submitted that the Court has given permission to lead the secondary evidence. He further submitted that both these documents are registered instrument. Plaintiff is not party in the said documents. The documents are executed between the defendant and third persons. Therefore, he submitted that these documents be read in evidence as certified copies of public documents.

3] Defendant objected this application by filing his reply by vide Exh. 185. Learned advocate Shri. Jayesh Patil for defendant submitted that these documents are not proved in accordance with law. He further submitted that mere permission is granted to lead secondary evidence, it does not mean that the documents shall be exhibited and therefore, he submitted that the application shall be rejected.

4] It reveals from the certified copies of both these documents that the said sale deed executed between Aasif Iqbal Dhanani and others and Sajay Yashwant Tare and others. Plaintiff is not party to this document. The release deed is executed between Aasif Iqbal Dhanani and Vipul Mulchand Shah and others. Plaintiff is not party to the said document. Defendant despite of sufficient opportunity did not produce these documents. The documents are registered with public office. The certified copies on record. The onus is now shifted to the defendant that

to made out that the certified copies are not genuine. Plaintiff has made out the case to attribute the presumption applicable for the certified copies of the record preserved in the public office. Hence, I pass the following order.

ORDER

- 1] Application is allowed.
- 2] The sale deed bearing no. 1054/2008 dated 20.02.2008 is marked as **Exh. 186** and release deed bearing no. 10201/2012 dated 20.12.2012 is marked as **Exh.187**.

Sd/-

Palghar
Date : 08.01.2019

(D. U. Dongare)
Jt. Civil Judge, S.D.
Palghar.