

MHTH170034192021

R.C.S. No.174/2021
Rajesh Balkrushna Chafekar Vs Ratilal Jaychandra Jain
ORDER BELOW EXH. 38
(15/12/2025)

This is an application filed by the plaintiff for exhibiting of documents filed along with affidavit i.e. Exh. 39 and 3/2, 3/3, and 3/7 filed along with Exh.3. It is contention of the plaintiff that the plaintiff has filed his evidence by way of an affidavit at Exh.37 and produced documents at Exh.3 and 39. He is seeking exhibiting of documents filed along with Exh.3 and 39 and prayed for allowing this application.

2. By filing say defendant strongly objected the application. It is contention of the defendant that, documents are not public document. Therefore, it is prayed that application be rejected.

3. I have heard learned advocate Mr. Atul Patil appearing on behalf of plaintiff and learned advocate Mr. A.B.Mali appearing on behalf of defendant.

4. Considering rival contentions of the parties following points arise for my determination.

<u>Sr. No.</u>	<u>Points</u>	<u>Findings</u>
01.	Whether plaintiff has made out case to allow the application ?	Partly allowed.
02.	What order ?	-As per final order.

As to Point No.1 and 2:-

5. Perused the record. This is the suit for possession. The plaintiff has tendered his evidence by way of affidavit Exh.37. The plaintiff has also filed documents at Exh.3 and 39. It is prayer that the documents filed along with Exh.3 and 39 be marked as exhibits.

Documents filed along with Exh.3/2 is a office copy of demand notice dated 26/04/2019. There is averments in the evidence of plaintiff. Therefore, it be exhibited. So far as concerned, document filed along with Exh.3/3 is a reply notice copy dated 08/05/2021 which is not disputed by the defendant. Therefore, it be exhibited. The plaintiff has produced on record photographs at serial no.3/7. The plaintiff has not produced on record certificate in support of the photograph. Hence, it cannot be exhibited.

6. The plaintiff has produced on record tax receipt Exh.39/2, it is issued by grampanchayat, hence, it be exhibited. The plaintiff has produced on record electricity bill at Exh.39/3, it is issued by Mahavitrans. It be exhibited.

7. The plaintiff has produced on record application dated 07/09/2021, there is averments in the affidavit. Therefore, it be exhibited. The plaintiff has produced on record a letter issued by Mandal Adhikari dated 23/04/2021, it be exhibited. The plaintiff has produced on record assessment of suit property which is issued by grampanchayat, therefore, it be exhibited. The plaintiff has produced on record photographs of suit property, it is not attached with a certificate. Therefore, it is not admissible in evidence. Considering all above reason, I proceed to pass the following order :

ORDER

The application is partly allowed.

(Dictated and pronounced in open Court.)

(D. D. Suryawanshi)

Date : 15/12/2025.
Place : Palghar

Jt. Civil Judge Senior Division,
Palghar.