

COMMON ORDER BELOW EXH.150 & 151 IN RCS No.46/2009

Gopal Vs. Lalita

The defendant Nos.1 and 2 filed the application below Exh.150. It is submitted that the defendants in RCS No.49/2012 Lalita Vs. Akot Urban Bank filed counter-claim to the written statement filed by the defendant No.3. In the present suit 46/2009 the certified copy of the written statement to the counter-claim is filed by the defendants. The said document is public document. The plaintiff is aware of the said document as he is party to the suit RCS No.49/2012. The document is necessary on the record for the proper adjudication of the dispute. The issues involved in both the suit about ownership of the property is the same. Hence, prays to allow the application.

2] The advocate for the plaintiff has filed say. It is submitted that certified copy of written statement of plaintiff are not public document. The same are required to be proved by way of evidence. Certified copy of the sale deed are also not public document likewise the certified copy of written statement is coming in that ambit. There are several High Court citations for that and if any High Court required matter may be kept tomorrow.

3] The defendant No.1 has filed another application below Exh.151 for calling the record and exhibit the copy of plaintiff and written statement to the counter-claim. It is submitted that three suits including RCS No.46/2009, RCS No.23/2012, RCS No.49/2012 are pending before the court. The certified copies of the documents i.e. plaintiff and written statement to counter-claim filed in RCS No.49/2012, Lalita Vs.

Akot Urban are filed in present suit. The record of RCS No.49/2012 is required to be called and perused to exhibit the certified copies filed as mentioned. The plaintiff and defendant No.1 are common parties in all the suits and material issues are also common. Hence, prays to allow the application.

4] The advocate for the plaintiff has filed say on the said application and submitted that the same citation is already submitted by plaintiff Gopal. Further simplicitor calling of record is not sufficient for comparison. It is submitted that there should be oral evidence from the witness about filing of certified copy, calling of original record and comparison. The witness is required to adduce evidence regarding the recitals of contains of certified copy. The court can not exhibit mark the document for reading in evidence.

5] The advocate for the Akot Urban Bank has filed say and strongly opposed the application and prays to reject the application.

6] Heard Ld. counsels for both sides. Ld. Counsel for the defendant submitted that a copy of W.S. in counter-claim filed in RCS No.49/2012. The plaintiff is having knowledge about the said document. The plaintiff is defendant in that suit. The document is necessary to decide controversy in between the parties. The defendant has filed application bearing Exh.150 for exhibiting the certified copy of W.S. in RCS No.49/2012. The defendant has filed another application bearing Exh.151 to call the record of RCS No.49/2012. It is submitted by the defendant that record is necessary to be called for exhibiting the document.

7] On the other hand Ld. Counsel for the plaintiff objected all the application. It is submitted by Ld. Counsel for the plaintiff that copy of written statement in another suit can not be considered as public document. Therefore, same can not be directly exhibited. It is necessary for the defendant to prove the said document. In support of his submission Ld. Counsel for the plaintiff relied on **2008(2) ALL MR 743, Lrs of Manohar (Since Deceased) VS Vishweshwar Tukaram Giripunje & Ors** reported in All Maharashtra Reporter Mumbai wherein it was held that the certified copy of plaint in another suit in which both sides to the dispute under adjudication are not parties not of public document hence, it requires to. For proving such document original plaint should be called in court.

8] The defendant is praying to exhibit copy of written statement of counter-claim filed in RCS No.49/2012. The defendant is praying to call the record of said suit. The said suit is pending in this Court itself. Therefore, there is no question of calling the record. Moreover, it appears that the parties in present suit are also party in the said suit. It appears that the present plaintiff has filed the reply of counter-claim. Therefore, considering this aspects I came to the conclusion that there is no hurdle in exhibiting the said written statement of counter-claim. So far as case law cited by the Ld. Counsel for the plaintiff the facts of present case and the facts of case law cited by Ld. Counsel for the plaintiff is not identical. So with due respect to the proposition led down in the case law I hold that same is not helpful to the plaintiff. Considering all these aspects I came to the conclusion that it will be just and proper to grant permission to the defendant to file the document filed along list with Exh.148. It will be just and proper

to exhibit the said document. So far as the application below Exh.151 is concerned to call the record the same is pending in this Court. Therefore, there is no need calling the same. The record of said case can be perused for exhibiting the document. Therefore, I pass following order

ORDER

The application Exh.150 & 151 are allowed. The document filed along with list Exh.148 be marked as Exhibit 154.

Washim
Date - 04/05/2026.

(S. S. Sahasrabudhe)
Civil Judge (Sr. Dn.), Washim.

CERTIFICATE

I affirm that the contents of this PDF file judgment/order are same word to word, as per original judgment/order.

- 1) Name of Stenographer :- S. V. Dere (Stenographer G-II)
- 2) Name of Court :- Civil Judge (S.D.), Washim.
- 3) Date :- 04/05/2026
- 4) Order signed by the
presiding officer on :- 04/05/2026
- 5) Order uploaded on :- 04/05/2026