

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3678/2021
Sunanda Prakashrao Butle and ors

...Versus...

Sheikh Salim Shaikh Mansur Saravar and ors

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Shri Rugved Dhore, Advocate for the petitioners.
Shri PPDeshmukh, Advocate for Respondent Nos. 1 to 3

CORAM : AVINASH G. GHAROTE, J.

DATE : 24/09/2021

Heard Mr. Dhore, learned counsel for the petitioners and Mr. Deshmukh, learned counsel for respondent Nos. 1 to 3.

The challenge is to the impugned order dated 22.1.2020 passed by the learned Trial Court below Exh.215, whereby the certified copies of the sale deeds, judgments and orders have been directed to be marked as exhibit without affecting the mandatory provisions of the Evidence Act for proof of its contents.

Since the certified copies of the judgments and orders are public document within the meaning of Section 74 of the Indian Evidence Act, no formal proof is required for the

same and their exhibition cannot be questioned. They can be read in evidence without any further proof being required for the same. In so far as the certified copies of the sale deeds are concerned, it is made clear that mere marking of those documents as an Exhibit does not dispense with the proof of the contents thereof and the defendants shall be required to prove the same, as per the requirements of the Evidence Act. The impugned order, dated 22.01.2020 is, therefore, quashed and set aside, in view of what has been stated above.

The petition is accordingly allowed in above terms. No costs.

JUDGE

rvjalit