

MHAH180020332015



R.C.S.No.689/2015

Prafull Sagalgile & Anr.

Vs.

Tulshiram Sagalgile & Ors.

ORDER BELOW EXHIBIT-44

This application is filed by the plaintiff to issue direction to defendant no.1 to produce sale deed executed by defendant no.1 in his favour.

2. It is the case of the plaintiff that, defendant no.2 and 3 executed a sale deed in favour of defendant no.1 and it is in the custody of defendant no.1. Hence, he prayed to issue direction to defendant no.1 to produce said sale deed.

3. Defendant no.1 filed his reply on the back-leaf of the application. He submitted that, the present application is not tenable. Hence, he prayed to reject the present application.

4. I have heard learned advocate for both sides and perused the record.

5. Undoubtedly, the sale deed mentioned by the plaintiff should have been in the possession and power of defendant No.1. The natural custodian of the said sale deed is defendant No. 1. Therefore, defendant no.1 must produce said sale deed as prayed by the plaintiff for the effective adjudication of the suit. Hence, I am inclined to pass the following order.

ORDER

1. The application is allowed.

2. Defendant No.1 is directed to produce the sale deed bearing no.290/2010 which is executed by defendant No.2 and 3 in his favour on the next date.
3. If defendant no.1 failed to comply with the aforesaid directions, then the plaintiffs are at liberty to lead secondary evidence as per rules.
4. Parties to bear their own costs.

(Pronounced in the open Court.)

Date:05/12/2023

(Mayursingh D. Gautam)
2nd Jt. Civil Judge (J.D),
Rahuri