

CNR No : MHAH190005272007 	<u>R.C.S.No. 205/2007</u> <u>Shankar Kanase Vs. Ram Kanase</u>
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ORDER BELOW EXH.183

This application is filed by plaintiff seeking to produce certified copy of sale deed dated 28.11.2014 and to read said document in evidence

02. Defendants failed to file their say to present application,hence present application is taken for order on merit without considering say of defendants.

03. Perused application. perused record. Heard learned advocate for plaintiff.

04. It is submitted by learned advocate of plaintiff that, the present suit is for partition and separate possession of immovable properties mentioned in the plaint including land Gat No. 566 situated at village Ladjalgaon, Tal. Shevgaon with further relief of declaration that sale deed dated 28.11.2014 executed by defendant No.2 in favour of defendant No.6 in respect of land Gat No. 566 is not binding on share of plaintiff. It is further submitted that, the execution of said sale deed is not in dispute and admitted by both defendant No. 2 and 6 in their respective written statement. Hence, he submitted that, in order to decide the suit on merit production of said document and reading of that document in evidence is necessary. Lastly, he prayed to allow the application.

05. On perusal of record it reveals that, the present suit is for partition and separate possession of immovable properties mentioned in plaint along with declaration that, the sale deed dated 28.11.2014 executed by defendant No.2 in favour of defendant No.6 in respect of

the suit land gat No. 566 situated at Ladjalgaon, Tal. Shevgaon is not binding on share of plaintiff. It is pertinent to note that, in present suit the main dispute between the parties is that whether land Gat No.566 is ancestral & joint family properties of plaintiff and defendant No. 1 to 5 or it was self acquired property of deceased husband of defendant No. 2. It appears that, during pendency of the suit defendant No.2 sold said Gat No. 566 to defendant No.6 by way of registered sale deed dated 28.11.2014. It appears that, execution of said sale deed is admitted by both defendant No. 2 and defendant No.6 and there is no dispute in respect of execution of said sale deed. The plaintiff by way of filing present application seeking permission for production of certified copy of said sale deed and praying to admit that, document in evidence.

06. As per above discussion the execution of said sale deed dated 28.11.2014 is admitted by both defendant No. 2 and 6 and as the certified copy of registered sale deed is a public record of private document under Section 74 (2) of Indian Evidence Act, in such circumstances no prejudice will cause to the defendants if present application is allowed as prayed by the plaintiff. Therefore, considering the above discussion and in the interest of justice the application is entitled to be allowed. Hence, I pass the following order:-

ORDER :-

01. The application at Exh.183 is allowed.
02. The certified copy of registered sale deed dated 28.11.2014 be marked as exhibit.

Place: Shevgaon

(D.R.Kulkarni)

Date: 30.07.2026

2nd Jt. Civil Judge Junior Division

Shevgoan