

Order Below Exh.118 in RCS 05/2010

CNR No.MHAK07-000150-2010

1. The plaintiff, during the suit, became aware of several sale deeds and an index of sale deeds that are crucial for rebutting the defendants' claims and evidence. These documents were obtained as certified copies from the office of Sub-registrar, Balapur, as they were not in the plaintiff's custody. The plaintiff seeks permission to produce these certified copies as secondary evidence for the purpose of cross-examination and to support their case. This permission is essential for the interests of justice and to prevent prejudice against the plaintiff. Hence prayed to allow the application.

2. Perused application and record, say not filed by the defendants. Heard both the parties.

3. The documents listed in Exh-117, which the plaintiff submitted, appear to be certified copies of public documents. The As of now, there is no reason to disbelieve the ground stated by the plaintiff on oath. The situation is squarely covered by provisions of section 65(c) of the Indian Evidence Act, 1872. Similarly, such permission would be necessary to decide the controversy between the parties at once on merits and to avoid multiplicity of litigation. Accordingly, the application is allowed and permission to lead secondary evidence in respect of sale deed and Index-II as mention in the application are hereby granted to the plaintiff.

(Typed and pronounced in open court)

Date : 25/08/2023.

(Vishnu D.Gite)
Jt. Civil Judge Junior Division,
Balapur.