

ORDER BELOW EXH.103
IN RCS NO.73/2015
(Trimbak Gadekar Vs. Panchiphulabai Gadekar)

Defendants filed this application for exhibiting the document.

02. According to the defendants, they have filed photo copy of register sale deed No.616/2016 in this matter. The original copy filed in RCS No.2017 same was pending before Principal Court. Plaintiff has admitted existence of document in his witnesses affidavit P.W.4. Therefore, said document may kindly be exhibited.

03. Plaintiffs filed their say on overleaf of the application and registered the application. According to plaintiff, defendant filed certified photo copy of sale deed. Defendants have not adopted the process for exhibiting document as per the provision of CPC. The defendants have filed the photo copy of registered to sale deed which is not admissible in his evidence. Therefore, prayed for rejection of the said application.

04. Heard Ld. Advocate plaintiffs and defendants.

05. The plaintiffs filed this suit for partition. On perusal of record it appears that, copy of registered sale deed exhibited by defendant No.1 in favour of purchaser on 06.06.2016. The same was xerox copy. According to the provisions of Indian Evidence Act

specific provision of providing for proving any document. The present is on further evidence of defendants. On perusal of evidence of plaintiff No.4 it is no were mentioned the regarding the said document is admitted. The defendants have an other remedy or sources to prove the said document.

06. The present document is a xerox copy. In that support defendants have not filed any supporting affidavit. No proper procedure is followed by the defendants. Hence, considering the above grounds it would be just and proper rejected the said application with costs. Hence, I pass following order.

| <u>ORDER</u> | |
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| 1. | Application is rejected with costs. |

Date: 19.09.2025.

(Chandrakant. R. Patil)
Jt. Civil Judge Junior Division
Phulambri.