

ORDER BELOW EXH. 143 IN R.C.S. No. 65/2010

01. Present application is filed by plaintiff for granting permission for leading secondary evidence in respect of document i.e. letter dated 03.12.1968 issued by then Chief Officer - Nagar Parishad, Aurangabad & resolution No. 256 & 560 of 1993 & letter dated 15.05.2000 alongwith pay order of Rs. 56160/-. Plaintiff contended that letter dated 03.12.1968 was issued by then Chief Officer, Nagar Parishad, Aurangabad bearing O.No. 7034 to Laldas Pannalal and Karsan Bhanji Patel and resolution No. 256 bearing signature of Administrator & Secretary of the office of defendant Corporation & Resolution No. 560 bearing signature of President of Standing Committee and Secretary of the defendant Corporation. Special civil suit No. 307/2001 was filed for partition & separate possession in respect of property CTS No. 14524 and by the judgment & decree of said suit, said CTS No. 14524 was divided and bifurcated. Plaintiff further contended that letter dated 15.05.2000, given to the Corporation alongwith Pay order of Rs. 56160/- drawn on Punjab National Bank. Said documents are just & necessary for deciding the matter in controversy of the matter. Therefore, present application is filed.

02. Defendant filed say & contended that documents for which secondary evidence is sought, are not relevant for deciding controversy of the matter. The contention of plaintiff about getting lost the documents, during passage of time, is objected by the defendant. Lastly, defendant

prayed for rejection of the application.

03. On perusal of documents below list Exh. 142, it shows that documents for which present application is filed, are the letter dated 03.12.1968, issued by Chief Officer bearing O.No. 7034, another document is copy of resolution No. 256 & 560 which bears signature of Secretary & Administrator and letter dated 15.05.2000 alongwith pay order of Rs. 56160/-, in favour of Dy. Commissioner, Municipal Corporation, Aurangabad, drawn on Punjab National Bank, dated 15.05.2000.

04. Considering documents, it shows that they were in existence. So far as considering about resolutions No. 256 & 560, plaintiff can file its certified copies. So far as considering other documents i.e. letter dated 03.12.1968, is prior to existence of Municipal Corporation & pay order is submitted alongwith letter dated 15.05.2000. Therefore, considering submission, I found that application to the extent of letter dated 03.12.1968, letter dated 15.05.2000 alongwith pay order of Rs. 56160/- dated 15.05.2000, is to be allowed. So far as considering resolutions, unless & until, plaintiff files its certified copies of it, application cannot be allowed to that extent. Thus, following order._

ORDER

01. Application is allowed & plaintiff is granted permission to lead secondary evidence in respect of letter dated 3.12.68 bearing O.No. 7034 issued by then Chief Officer - Nagar Parishad, Aurangabad & letter dated 15.05.2000 issued to Administrator, Aurangabad Municipal Corporation alongwith pay order of Rs. 56160 dated 15.05.2000, payable to Deputy Commissioner - Aurangabad Municipal Corporation.

02. Plaintiff is at liberty to file fresh application for the resolutions No. 256 & 560, upon furnishing its certified copy on record, if think so.

03. Costs in cause.

Date : 27-03-2015

Sd/-
(S.J. BIYANI)
Civil Judge – S.D.
Corporation Court, Aurangabad.

CERTIFICATE

I affirm that the contents of this P.D.F. file judgment are same, word to word, as per the original judgment.

Name of the :: Sachin K. Tripure.

Stenographer

Court :: Hon'ble Civil Judge – S.D.(Corporation)

Date :: 27.03.2015

Judgment signed by the :: 27.03.2015
presiding officer on

Judgment uploaded on :: 30.03.2015