

MHAU130000052006



ORDER BELOW EXH.208 IN REGULAR CIVIL SUIT NO.65/2010
(Laldas Vs. Municipal Corporation, Aurangabad)

1. This is an application of the plaintiff for exhibiting the sale deed bearing no.2396/1964 as per presumption under Section 90 of the Evidence Act. Perused the application and say filed by the defendant on application itself.
2. The plaintiff contends that, he has produced the original sale deed bearing no.2396/1964 dated 20-11-1964. He further contends that, all the parties to the aforesaid sale deed are no more and sale deed is 30 year old document.
3. The defendant Aurangabad Municipal Corporation contends that, PW5 has already been examined and the application is filed at belated stage.
4. Ld. counsel for the plaintiff submitted that, original sale deed bearing no.2396/1964 dated 20-11-1964 executed in favour of Karsan Bhanaji Patel which is 30 years old. Hence, it be exhibited and read in evidence.
5. Ld. counsel for the defendant submitted that, mere exhibiting the document does not mean that it is duly proved and the application has been filed at belated stage.
6. On perusal of records and considering arguments advanced by the parties it reveals that, plaintiff has filed sale deed bearing no.2396/1964. The aforesaid sale deed bearing no. 2396/1964 dated

20-11-1964 is produced from the custody which this Court considers to be proper therefore, the presumption under Section 90 gets attracted. So Court has to presume that, the signature and every other part of such document, which purports to be in the handwriting of the particular person, is in that person's handwriting. Furthermore, the aforesaid sale deed is executed, attested and registered document so also presumption under Section 90 gets attracted. In such circumstances, it is justifiable to allow the application. In the result, the following order is made.

ORDER

The application is allowed and sale deed bearing no. 2396/1964 is exhibited.

Date :- 06-08-2019
Place :- Aurangabad.

Sd/-
(Smt. A. S. Badgular),
Civil Judge Senior Division
(Corporation Court), Aurangabad.

CERTIFICATE

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

Name of the Stenographer	: Rupa V. Kale.
Court	: C.J.S.D. (Corporation Court), Aurangabad
Date	: 06-08-2019
Order signed by the presiding officer on	: 06-08-2019
Order uploaded on	: 09-08-2019