

MHAU130000132009



**ORDER BELOW EXH.139 IN R.C.S. No. 147/2010**

( Kusum Vs. MCA )

1. Plaintiff has filed this application seeking permission to lead secondary evidence regarding sale deed dated 21.10.1982 bearing No. 5133.
  
2. Plaintiff has submitted that she has filed on record sale deed on dated 08.09.2022 which is certified copy. This sale deed is of suit property executed by Gangaram Pardeshi in favour of Bansilal Rana. Plaintiff has filed certified copy of judgment as original is not in their custody. Original sale deed is not traceable because predecessors and vendors are no more. Certified copy is coming from proper custody. Hence it can be considered as secondary evidence. Hence the plaintiff be permitted to adduce secondary evidence as per Section 65 of Evidence Act.
  
3. Defendant has given handwritten say that plaintiff be directed to strictly adhere to prescribed procedure, suitable order be passed.
  
4. I heard learned counsel for parties.
  
5. I perused this application and say submitted. I perused

record of this case. This case was kept for final argument as both the parties had not adduced their evidence. In this case plaintiff has not adduced her evidence till date. Hence I consider that this application is premature. Plaintiff can file her evidence and make averments regarding proof of certified copy of sale deed. Court can consider whether plaintiff has proved the execution and content of certified copy of sale deed after considering facts of the case.

6. This case is of the year 2010. Plaintiff is trying to prolong the proceeding by filing frivolous applications. It is to be decided on top priority basis as per direction of Hon'ble High Court. This court cannot consider this prayer unless plaintiff has filed her evidence and made necessary averments in her evidence about this document. Hence I consider that this application is premature. Therefore, I pass this order.

**ORDER**

This application is hereby rejected at this stage of proceeding.

Date :- 19.01.2023.

(Smt. S.N. Morwale)  
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 : S.V. Kondekar, Stenographer (Grade-II)  
Court : C.J.S.D. (Corporation Court), Aurangabad.  
Date : 19.01.2023  
Order signed by the  
presiding officer on : 19.01.2023  
Order uploaded on : 19.01.2023