

MHAU130000532021



**ORDER BELOW EXH.36 IN R.C.S No.27/2021**  
**(Muktanand Vs. Umesh Pawar)**

1. Plaintiff has filed this application seeking direction to direct defendant No.5 to file original sanctioned layout dated 26 July 1978.
2. Plaintiff has submitted that they filed this suit on declaration and injunction. They have specifically pleaded that layout of suit property was sanctioned. Said layout is in custody of defendant No. 5. Hence, defendant No.5 be directed to produce said layout.
3. Defendant No.5 has filed say to this application at Exh-38. Defendant No.5 has submitted that plaintiff can obtain certified copy of layout. Hence, this application is liable to be rejected.
4. I heard learned counsel for the parties.
5. I perused this application and say submitted. I perused record of this case. This case is kept for evidence since 30.04.2022. Since that time till date, plaintiff has failed to adduce his evidence. When plaintiff has filed this suit, burden of proof is on them to prove their case. Plaintiff could have obtained certified copy of sanctioned layout till this time. Conduct of plaintiff shows that they are not interested in prosecuting this case. This application is not tenable. Hence I pass this order.

**ORDER**

1. This application is hereby rejected.
2. Plaintiff to adduce his evidence on next date positively, otherwise further necessary order will be passed against him.

Date :- 12/09/2023  
Place :- Aurangabad.

(Smt. S. N. Morwale)  
Civil Judge Senior Division  
(Corporation Court), Aurangabad.