

MHJN020008982014



**Spl.C.S.No.63/2014
Lata and Anr. Vs.
Hitendrakumar and
Ors.**

ORDER BELOW EXH.126
(Passed on 08th July 2025)

This is an application filed the plaintiffs for issuance of summons to Talathi, Jalna for production of original record in respect of suit property. The defendant nos.1 and 2 resisted the application by filing say vide Exh.127.

02. Heard both sides. Perused record. It can be seen that the case was posted for final arguments after completion of evidence of both sides. Meanwhile the plaintiffs filed application Exh.122 for recast of issues. Similarly, defendant nos.1 and 2 filed application vide Exh.124 for recast of issues. Both these applications came to be decided on merits and issues were recast. The case was then posted for evidence. Thereafter this application came to be filed by the plaintiffs.

03. It can be seen from the pleadings that both the plaintiffs and defendant nos.1 and 2 are claiming their ownership over suit property. The burden to prove their ownership is cast on plaintiffs. As the right over immovable property is involved and as

issues are recast, it is just and proper to allow parties to lead evidence, both oral and documentary to prove burden cast on them. The plaintiffs have specifically contended that the original documents were submitted to Talathi, Jalna and now the documents are in record of Tehsil Office. It is also specifically contended that the plaintiffs were not given certified copies of those documents. Thus, considering above contentions and observations, there appears no hurdle in issuing summons for production of documents. Hence the following order -

ORDER

1. The application is allowed.
2. Issue witness summons to Talathi, Jalna for production of documents as prayed.
3. Cost in cause.

Jalna
Date.08.07.2025

(S.M. Padolikar)
2nd Jt. Civil Judge (Sr. Dn.),
Jalna

CERTIFICATE

I affirm that, this PDF file is word to word as per original Order/Judgment.

Name of Stenographer : Pratiksha B. Magare
Name of Court : 2nd Jt. Civil Judge (Sr.Dn.), Jalna.
Date of PDF : 09.07.2025.

Sd/-
Signature.