



ORDER BELOW EXH. 33 in RCS No. 78/2017

CNR Number is MHKO110007542017

(Passed on 03/10/2019)

1. Plaintiff has filed present suit for redemption of mortgage deed and for execution of re-conveyance deed. Plaintiff had also issued notice to defendant for production of original mortgage deed in the court. But defendant No. 1 to 5 and 8 have replied that they do not possess original mortgage deed. Defendant No. 6A and 6B have replied that plaintiff can obtain the said mortgage deed from the concerned government office. The certified copy of mortgage deed is filed along with (Exh.3) at Sr.No. 2. Issues are framed in respect of the said mortgage deed and said mortgage deed is required to be proved. Hence, it is prayed on behalf of plaintiff that she be allowed to lead secondary evidence in respect of the said mortgage deed. Today defendant No. 6A and 6B have filed say and intimated the court that they do not possess the said mortgage deed.

2. Heard both side. Perused application and say and reply notice filed at (Exh. 35) at Sr. No. 1. It also seems issues are framed in respect of alleged mortgage deed and burden is cast upon plaintiff to prove the same. In above facts and circumstances it is necessary to allow the plaintiff to lead secondary evidence in respect of the alleged mortgage deed. Hence, the order.

ORDER

1. Application at (Exh. 33) is allowed.

2. Plaintiffs are permitted to lead secondary evidence in respect of registered mortgage deed No. 989.
3. Costs shall be in cause.

Dt. 03/10/2019
Peth-Vadgaon.

Sd/-
(P. R. Rane)
Civil Judge Junior Division,
Peth-Vadgaon.

C E R T I F I C A T E

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

Name of the Stenographer	Shri. R. P. Moraskar
Name of Court	Shri. P. R. Rane Civil Judge Jr.Dn., Peth-Vadgaon.
Date of Dictation	03/10/2019
Judgment Signed by the P.O. on	03/10/2019
Judgment uploaded on	03/10/2019