

MHKO110007542017



Reg. Civil Suit No. 78/2017.

(CNR No.MHKO110007542017)

Order Below Exh. 76.

(Hanifa Naikawadi Vs. Jaypal Chaugule)

01. The present application is made on behalf of plaintiff with the prayer to assign the exhibit the mortgaged deed vide list **Exh.3** at serial No.2. It is further submission of the plaintiff that, plaintiff has no original copy of mortgaged deed and defendant has not admitted on record. Further, he admitted verified copy of mortgaged deed on record. Hence, he made the present application.

02. Defendant filed their say on the overleaf of an application and denied all the contentions of the application and prayed to reject the application.

03. Perused the application, say there on. Heard both the advocates.

04. Plaintiff wants to bring on record the mortgaged with the help of Registered Mortgaged Deed dated 06/05/1983. She has submitted, certified copy of the mortgaged deed it appears that, it is certified one. Further, it is the contention of the plaintiff that, original mortgaged deed is not with plaintiff and defendants are not denying this facts. Therefore, certified copy of the deed can not be ignored. Further, Hon'ble Apex Court in **Appaiya Vs. Andimuthu @ Thangapandi and Ors. Slp(C) No.10013/2015** observed importance of certified copy and its evidentiary value. In the light of said judgment there is no hurdle to give exhibit to the certified copy of the Registered Mortgaged Deed. Hence, application deserves to be allowed. In result, I proceed to pass the following order -

ORDER.

1. Application below **Exh.76** is allowed.
2. Concern clerk is hereby directed to assign the exhibit number to the certified copy of the mortgaged deed vide list **Exh.3** at serial no.2.
3. Application **Exh.76** is disposed off accordingly.

Date : 11/06/2026.

(S. A. Kulkarni)
Jt. Civil Judge Junior Division,
Peth-Vadgaon.