


MHKO150000772009 	<p style="text-align: center;"><u>Order passed below Exh. 134 in R.C.S. No. 24/2012</u></p> <p style="text-align: center;">Maruti Khandekar etc. vs. Maruti Hattirge etc.</p>
---	--

This is an application filed by defendant no. 1 to 6 under section 65 of Indian Evidence Act for lead secondary evidence.

2. According to defendant no. 1 to 6, they want to prove, the documentary evidence and to lead secondary evidence of registered sale deed dated 05.03.2009, vide R.E.No. 254 and correction deed dated 08.03.2010, vide R.E.No. 235. Therefore, defendant no. 1 to 6 prayed for allowing them to lead secondary evidence for above mentioned registered sale deeds. They prayed for allowing the application.

3. The plaintiffs have filed their say. They strongly objected application. They lastly prayed for rejection of application.

4. Heard learned advocates for both parties. Perused record, application and say.

5. On perusing record it appears that, the defendant no. 1 to 6 have produced certified copy of original registered sale deed and correction deed on record. On perusing certified copy it appears that, the deeds were registered one. It was executed and registered. The defendant no. 1 to 6 in application stated that, the original deeds are not available. Considering contention of defendant no. 1 to 6 and registered deeds, I am coming to conclusion that, the original deeds are not available.

7. The *Hon'ble Bombay High Court in Writ Petition No.11151/2017 Kartik Bhat vs. Nirmala Wagh* held that, for leading secondary evidence in respect of registered document, the application for permission is not necessary.

8. Considering this situation, in my opinion if application is allowed, there will be no irreparable loss caused to plaintiff. But, if application rejected then, irreparable loss caused to defendant no. 1 to 6. Therefore, in my opinion application needs to be allowed. Hence, I pass following order,

ORDER

1. Application is allowed.
2. The permission is granted to defendant no. 1 to 6 only in respect of documentary evidence and to lead secondary evidence of registered sale deed dated 05.03.2009, vide R.E.No. 254 and correction deed 08.03.2010, vide R.E.No. 235.
3. Considering peculiar circumstances, there is no order as to costs.

sd/-

(S. P. Jadhav)

Civil Judge J.D., Ajara.

Date : 01.01.2024.

Certificate

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	Mrs. Y.S. Chavan
Name of Court	C.J.J.D. Ajara
Judgment / Order dictated on	01-01-2024
Judgment / Order typed on	01-01-2024
Judgment / Order signed by the P. O. on	01-01-2024
Judgment / Order uploaded on	01-01-2024