

MHKO150000892016



Order passed below Exh. 62 in R.C.S. No. 33/2016
(Prakash vs. Dhruvbal)

This is an application filed by plaintiff under section 65 of Indian Evidence Act for lead secondary evidence.

2. According to plaintiff, matter is for evidence but now he want to prove, the documentary evidence to lead secondary evidence of registered sale deed dated 14.12.1990, vide R.E.No. 1395/1990 and dated 504/2006 vide R.E.No. 461/2006. He has produced certified copy of registered deed dated 14.12.1990 vide R.E.No. 1395/1990 and registered deed dated 05.04.2006 vide R.E.No. 461/2006. Therefore, plaintiff prayed for allowing him to lead secondary evidence for above mentioned registered deed. He prayed for allowing the application.

3. The defendants have filed their say at Exh. 63. They strongly objected to lead secondary evidence.

4. Heard learned Advocate Shri. J. G. Didbag for plaintiff and Shri. S. R. Powar for defendants.

5. Perused record, application and say filed by plaintiff.

6. On perusing record it appears that, the plaintiff has produced certified copy of original registered deed on record. On perusing certified copy it appears that, the deeds were registered one. It was executed. It was registered. Considering contention of plaintiff 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 defendants. But, if application is rejected then, irreparable loss caused to plaintiff. 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 plaintiff only in respect of documentary evidence to lead secondary evidence of registered sale deed dated 14.12.1990 vide R.E.No. 1395/1990 and dated 05.04.2006 vide R.E.No. 461/2006.
3. No order as to costs.

Date : 11.01.2022.

(S. P. Jadhav)
Civil Judge J.D., Ajara.

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	11-01-2022
Judgment/order typed on	11-01-2022
Judgment/order signed by the P. O. on	11-01-2022
Judgment/order uploaded on	13-01-2022