

**ORDER BELOW EXHIBIT-105 IN****R.C.S NO. 147 OF 2016**

Madhav V/s. Mahananda and Others

CNR No. MHLA060003192016

This is an application filed by the plaintiff to call the sub registrar, Udgir as a witness with the original record of sale deeds No. 1572/1995, 1280/1973 and 1903/2004.

02. Perused the application and say of the defendants at Exh. 108. Also perused the record.

03. The plaintiff averred in the application that he has produced on record the certified copies of sale deeds No. 1572/1995, 1280/1973 and 1903/2004 with list of documents Exh. 4. The defendants have produced on record the copy of sale deed No. 1903/2004 as per the direction of this Court. The plaintiff has taken all the lawful steps for production of the original sale deeds on record. Therefore, now it is proper to call sub registrar, Udgir with the original record of sale deed No. 1572/1995, 1280/1973 and 1903/2004 as a witness. Hence, requested to allow the application.

04. The defendants contended that the plaintiff had moved the same application at Exh. 85. This court had directed defendant No. 1 to produce the original sale deeds No. 1572/1995, and 1903/2004 vide order below Exh. 88. Accordingly, defendant No. 1 has produced original copy of sale deed No. 1903/2004 which is in her favour. This court in order below Exh. 88 directed the plaintiff to

take necessary steps against defendant No. 4 for production of sale deed No. 1572/1995. But as per that direction, the plaintiff failed to comply. Thus, the court passed order below Exh. 88 to proceed further without original copy of sale deed No. 1572/1995 and now the same application is moved by the plaintiff. Further, there is no mention of sale deed No. 1280/1973 in application at Exh. 88. The plaintiff is misleading the Court by making mention of sale deed No. 1280/1973 in the present application. The plaintiff is only trying to prolong the proceeding of the suit. Hence, requested to reject the application.

05. Heard both the sides.

06. It is pertinent here to mention the history of proceeding in this suit. The first application moved by the plaintiff was application at Exh.85 requesting the Court to call Sub-registrar Ahmedpur with original record of sale deeds No. 1572/1995 and 1903/2004. Again, the application at Exh.86 was moved by the plaintiff requesting this Court to direct defendant No.1 to produce the original sale deeds No. 1572/1995 and 1903/2004. The Court pleased to allow the application and direct defendant No.1 to produce sale deed No. 1572/1995 and 1903/2004 or submit explanation as to her inability to produce the documents. Defendant No.1 in pursuance to order below Exh.86 produced sale deed No.1903/2004 and showed inability to produce sale-deed No. 1572/1995 since it was not in her possession. This Court accepted the explanation of defendant No.1 about her inability to produce the sale deed No.1572/1995 and directed the plaintiff to take necessary steps seeking direction to

defendant No.4 to produce the sale deed No.1903/2004. The plaintiff took steps by issuing notice to defendant No.4 to produce the original sale deed No.1572/1995. The notice was served on defendant No.4 vide Exh.104. In spite of service of notice, defendant No.4 failed to produce the original sale deed No.1572/1995. Thereafter, instead of taking steps for seeking permission to lead secondary evidence in respect of sale deed No.1572/1995, the plaintiff has moved this application. Interestingly the plaintiff additionally made mention of sale deed No.1280/1973 in this application . The plaintiff has not previously taken any steps for production of original sale deed No.1280/1973 and has made mention of that sale deed in the present application.

07. If the original documents are not in possession of the plaintiff, he may proceed as per section 65 of the Indian Evidence Act. Calling Sub Registrar for production of original documents and to prove them is not the procedure as per the Indian Evidence Act to prove and produce the documents. In the circumstances, the application seems to be meritless and liable to be rejected. In result I pass the following order.

ORDER

The Application is rejected.

Place :- Ahmedpur,
Date :- 22.07.2026.

(Smt. S. D. Wadgaonkar)
Jt Civil Judge Junior Division
Ahmedpur.