

Order below Exh.34 in RCS No.31/2019

By this application plaintiffs have requested for issuing directions to defendant No.4 to produce sale deeds bearing Nos.359/ 2009 and 360/2009, on the grounds mentioned in the application. Defendant No.1 has filed his say and submitted that both the above referred sale deeds are in the possession of defendant No.4. Defendant No.4 failed to file her say. Perused application and say filed by defendant No.1. Heard both the sides. Record shows that plaintiffs have filed this suit for partition and separate possession in respect of suit lands and house property described in para No.1 of the plaint. Defendant No.1 failed to file his WS. The suit is proceeding ex-parte against defendant Nos.2 and 3.

2. Defendant No.4 has filed her WS at **Exh.19** and contested the claim of plaintiffs. However, she has stated in para No.23 that she has purchased land bearing Sy.Nos.18 and 19 from defendant No.1 for satisfaction of legal necessity of the latter. In such situation, obviously both the sale deeds should be lying in the possession of defendant No.4. Considering the grounds mentioned in the application and no resistance from defendant No.4, in my opinion, no prejudice will be caused to defendant No.4 if she is directed to produce the sale deeds on record. Even otherwise, she will have to produce those sale deeds on record to prove issue No.2, which casts burden upon her for proving the said fact. Hence, I pass following order:-

ORDER

1. Defendant No.4 is hereby directed to produce original sale deeds bearing Nos.359/2009 and 360/2009 on record on next date or on any other date as extended by the Court.
2. No order as to costs.

Date :26/11/2024

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist. Latur.