

**Order below Exh.29 in RCS No.263/2017**

By this application plaintiff has requested for directing defendant to produce the agreement to sale dated 29/06/1989 referred in para No.3 of his WS at **Exh.35**. Defendant has filed his say and raised strong objections. Perused application and say. Heard both the sides. Both of them have submitted in the line of their application and say respectively.

2. Record shows that plaintiff has filed this suit for recovery of possession in respect of the suit land described in para No.1 of the plaint. Defendant has appeared and file his WS at **Exh.22** along with his counter claim at **Exh.35**. Plaintiff has filed his WS at **Exh.41**. Issues are framed at **Exh.24**. Record shows that plaintiff has filed certified copy of decree passed in RCS No.466/1989 at list below **Exh.4/2**. The plaintiff, who was defendant in the said suit claiming the relief of perpetual injunction, had admitted the contents of plaint and accordingly, a decree to that effect was passed on 21/07/1989. As per the contents of para No. 13 of WS at **Exh.22**, the said original agreement to sale dated 29/06/1989 has been destroyed by the Court official and therefore, he is not in its custody. Considering the fact pleaded by defendant regarding destruction of the said original agreement to sale dated 29/06/1989, by no stretch of imagination he can be directed to produce the same on record. Thus, I find no substance in this application and pass following order:-

**ORDER**

1. Application is rejected.
2. No order as to costs.

*Order dictated and pronounced in open court.*

Date :20/01/2023

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