

ORDER BELOW EXH.NO.37 IN R.C.S.NO.200/2013

(Balaji vs. Vishwanath and other)

This is an application filed by plaintiffs praying to allow him to lead secondary evidence of a sale-deed. Defendants have filed their say and opposed the application. Perused the application and say filed by defendants. Heard learned Advocate for both sides.

2] Plaintiffs have contended that defendant No.1 has executed registered sale deed in favour of plaintiff No.1 bearing day book No.1265/1997 dated 03/06/1997. Plaintiffs have filed certified copy of that sale deed. However, the original sale deed has been lost. Plaintiffs have searched the original sale deed. However, it could not be found. Hence, plaintiffs prayed for leading secondary evidence of that sale deed.

3] Defendants have contended that ground shown in the application are not sufficient and therefore prayed for rejection of application.

4] It is the contention of plaintiff that the alleged sale deed has been lost. They tried to their level best to search out the sale deed. However, the sale deed could not be found. Plaintiffs have also filed supporting affidavit (Exh.38) to the present application. Plaintiffs have also filed on record a certified copy of the alleged sale deed. Thus, there is a justifiable ground to allow plaintiffs to lead secondary evidence of the alleged sale deed in order to decide the suit on merit. Hence, the application is allowed as prayed.

Place : Ausa.
Date : 27/11/2017

(Smt. R. D. Gaikwad)
2nd Jt. Civil Judge J.D., Ausa.