

MHLA150003142015



ORDER BELOW EXH. 101.

1. This application is filed by plaintiff for leading secondary evidence to prove the registered sale deed bearing no.484/1987 dated 19.02.1987. The defendants opposed said application by filing say on the back leaf of the application.

2. It is submitted by applicant that plaintiff has purchased suit land vide registered sale deed bearing no. 484/1987 on 19.02.1987. The original sale deed is not in possession of plaintiff and it is lost. Plaintiff has inquired to Sub Registrar office, Ahmdepur about the original sale deed, but they orally submitted that the original sale deed has been sent to Pune for scanning. Hence, plaintiff has been filed the application before the court to call the original sale deed from Pune, but court has rejected the application Ex.98 on 04.10.2022. Plaintiff has tried best on his level to get original sale deed but he failed in it. Therefore, to decide matter naturally plaintiff has prayed to allow the application as prayed.

3. Per contra, it is submitted by defendants that plaintiff has filed this application to prolong the matter. Application is premature. The nature of alleged sale deed is yet to be decided. Whether it is admitted or denied by the defendants has to be decided first. Plaintiff has to step in witness box. Then further

evidence has to be lead. Hence, application be rejected.

4. Perused record of case. It appears from application that, plaintiff wants to lead secondary evidence to prove sale deed bearing no.484/1987 dated 19.02.1987. The plaintiff has filed certified copy of said sale deed with Exh.04 at serial no.5. At this stage, those documents show that it was prepared by concerned official bodies while performing their duty & it is public records kept of private document. So, far as objection regarding issue of missing original sale deed is concerned is kept open which can be objected while conducting trial on that issue. If permission is granted to plaintiff to lead secondary evidence as prayed then no prejudice will be caused to defendants, Hence, I pass following order.

ORDER

01. Application Exh.101 is allowed and permission is granted to plaintiff to lead secondary evidence as prayed.
02. The point of missing of original sale deed kept open and liberty is given to both the parties to lead the evidence on that point.

Date : 27.11.2024.

(V.S. Waghmode)
Civil Judge Junior Division,
Chakur.