

MHLA160000962013



Reg. Civil Suit No.52/2013  
Ranjit Vs. Rajendra & Ors.

**:: ORDER BELOW EXH.36 ::**

Perused application and say. Heard both sides.

2. Plaintiff has preferred this application seeking permission to lead secondary evidence of the sale deeds mentioned in the application. Suit is for cancellation of sale-deeds and for partition. Notice was issued under Sec.66 of the Evidence Act for production of documents vide Exh.35. However, defendants failed to comply with the order. Therefore, prayed to allow plaintiff to lead secondary evidence in respect of the sale-deeds.

3. Defendant Nos.6 and 9 recorded their formal objection and prayed to reject the application.

4. Perusal of record shows that defendant No.7 and 8 have complied with the order below Exh.35 thereby producing sale-deeds dated 27/11/2008 bearing No.1392/2008 and sale-deed dated 21/05/2008 bearing No.718/2008. However defendant Nos.6 and 9 have failed to comply with the notice/application at Exh.35. Therefore, it appears that those sale-deeds are in possession of defendant No.6 and 9. However, they have not produced the same in spite of sufficient notice. Plaintiff, by way of

following due procedure mentioned under Sec.65(a) of the Indian Evidence Act, is qualified to lead secondary evidence in respect of sale-deed No.3016/1997 and sale-deed No.57/2000. Hence, following order.:

**:: ORDER ::**

- 1) Application at Exh.36 is allowed.
- 2) Plaintiff is allowed to lead secondary evidence in respect of sale-deed Nos.3016/1997 and 57/2000.

Date : 06/01/2025.

( A. P. Kollam )  
Civil Judge Junior Division,  
**Deoni.**