



Jayram Sidheshwar Kancharlawar  
Vs.  
Abdul Wahab Sattar

**ORDER BELOW EXHIBIT NO.68 IN**  
**REG. CIVIL SUIT NO.52/2018**

This is the application filed by the plaintiff under section 65(f) of the Indian Evidence Act to allow to lead secondary evidence in respect of certified copies of registered sale deeds registered vide sr.no. 1502/2003, 1736/2003, 1745/2003 and 393/2005.

**02.** It is contended in the application that, the plaintiff has filed present suit for simplicitor injunction claiming himself as an owner of the suit property. It is contended that, the plaintiff is owner of suit property by virtue of sale deeds executed by original owners in his favor. According to plaintiff, original sale deeds of suit property were misplaced and he is unable to produce on record. Therefore he has produced certified copies of those sale deeds. Hence, he prayed to allow to lead secondary evidence in relating to said certified copies of sale deeds.

**03.** Despite of ample opportunities, defendants failed to file Say to the application, hence the application is ordered to be proceeded without their say.

**04.** Ld. Advocates of the both parties are absent when called repeatedly. Hence, I have proceeded to pass order without arguments of both the parties on merit.

**05.** Perused the record. The present suit is filed for simplicitor injunction against defendants for restraining them from causing interference and disturbance to the possession of plaintiff in the suit property. The plaintiff is claiming his ownership over suit

property by registered sale deeds registered vide sr.no. 1502/2003, 1736/2003, 1745/2003 and 393/2005. It is not disputed fact that, the alleged sale deeds are registered instruments. It is also undisputed that, the plaintiff has produced certified copies of said sale deeds along along with list Exh.46. The plaintiff is claiming secondary evidence under the provision of section 65(f) of the Indian Evidence Act. According to him, original registered sale deeds are documents of which certified copies are permitted by section 74 of the Act.

06. In respect to certified copy of registered instrument the Hon'ble Apex Court in case of *Appaiya Vs. Andimuthu @ Thangapandi & others Civil Appeal no.14630/2015* held that, section 77 provides for the production of certified copy of a public document as secondary evidence in proof of contents of its original. Section 79 is the provision for presumption as to the genuineness of certified copies provided the existence of a law declaring certified copy of a document of such a nature to be admissible as evidence. When that be the position under the aforesaid provisions, taking note of the fact that, the document in question is a registered sale deed, falling within the definition of a public document, the question is whether there exists any law declaring such certified copy of a document as admissible in evidence for the purpose of proving the contents of its original document. Sub-section(5) of section 57 of the Registration Act is the relevant provision that provides that, certified copy given u/s 57 of the Registration Act shall be admissible for the purpose of proving the contents of its original document. In this context it is to be noted that, certified copy issued thereunder is not a copy of the original document, but is a copy of the registration entry which is itself a copy of the original and is a public document u/s 74(2) of the Indian Evidence Act and sub-section

(5) thereof, makes it admissible in evidence for proving the contents of its original.

**07.** The ratio laid down in above judgment makes it clear that, certified copy of registered instrument is admissible in evidence for proving contents of original as per section 74(2) of the Indian Evidence Act r/w section 57(5) of the Registration Act. The clause (f) of section 65 of the Indian Evidence Act says that, secondary evidence may be given when the original is a document of which a certified copy is permitted by this Act, or by any other law in force in India to be given in evidence. The law laid down by Hon'ble Apex Court in above judgment makes it clear that, certified copy of registered instrument is permitted as per section 74 of the Evidence Act. As the sale deeds in question are registered instruments and its certified copies are produced on record, which are permissible to admit in evidence as per ratio of the above judgment. Thus, the permission to lead secondary evidence in respect of certified copies of registered sale deeds need to be given. Hence, I proceed to pass following order.

**-:ORDER:-**

<b>01.</b>	Application (Exhibit No.68) is allowed.
<b>02.</b>	Plaintiff is allowed to lead secondary evidence in respect of certified copies of sale deeds registered vide sr.no. 1502/2003, 1736/2003, 1745/2003 and 393/2005 produced on record along with list Exh.46.

**(Dictated and pronounced in open Court)**

Kinwat.  
Date: 25/06/2024.

**(P. M. Mane)**  
Civil Judge, Junior Division,  
Kinwat.

Certificate

I affirm that the contents of this P.D.F. file Order are same word to word, as per the original Order.

Name of the Jr.Clerk : S.N.Rathod  
Court Name : Court of C.J.J.D., Kinwat  
Date : 25/06/2024  
Order signed by  
the Presiding Officer on : 25/06/2024  
Order uploaded on : 25/06/2024

XXXX