

New R.C.S. No.1085/2025
Old R.C.S. No. 257/2023
Lala Vs. Sidharth & Ors.
CNR No. MHOS12-001229-2025.

ORDER BELOW EXH.29
(Passed on 09th June, 2026)

The present application is filed by plaintiff for permission to lead secondary evidence in respect of registered sale deed no.1904/2019 dated 07/11/2019 on the ground that, he had purchased suit property alongwith two other co-purchasers namely Sahebrao Ahire and Gulab Ahire, who has purchased other properties by way of same sale deed. The original sale deed was in possession of Sahebrao Ahire and Gulab Ahire. When he inquires to them about the original sale deed, they took search of it and found that it was lost. Therefore, plaintiff is unable to produce the original copy of registered sale deed by which he is the owner and in possession of the suit property. Hence, the present application.

2. Defendants by filing say strongly opposed the application stating ground that, reason given in the application is not satisfactory. At the time of presentation of plaint, plaintiff ought to have file original copy of sale deed on record. He failed to do so. Therefore, at this later stage present application is not tenable. Therefore, defendants prayed that the application may kindly be rejected.

3. Heard both sides. Perused record and proceeding. This is the simplicitor suit for perpetual injunction. Application is duly supported by affidavit of the plaintiff. The possession or the custody of original sale deed is the fact within the knowledge of plaintiff.

Plaintiff come with case that, he is in possession of the suit property by virtue of registered sale deed dated 07/11/2019 bearing no.1904/2019. Eventhough the suit is only for the perpetual injunction, plaintiff wants to lead evidence regarding the fact by virtue of which he came into the legal possession of suit property i.e. the sale deed in dispute. Therefore, the opportunity to lead evidence needs to be given to the plaintiff.

4. It is matter of fact that, the original sale deed is not in possession of plaintiff as stated by him in the present application. It was in the possession of his two co-purchasers who lost it. Section 65 of the Indian Evidence Act laid down circumstances in which the secondary evidence can be permitted to be lead. One of the circumstances is that when original is lost, secondary evidence can be lead. Therefore, the present application deserves to be allowed. Accordingly, I proceed to pass the following order.

ORDER

1. Application stands allowed.
2. Plaintiff is hereby permitted to lead secondary evidence in respect of registered sale deed bearing no.1904/2019 dated 07/11/2019 as prayed for.

(Dictated and pronounced in open Court.)

Dated : 09/06/2026

(Smt. P. S. Jadhav),
2nd Jt.Civil Judge, Sr.Dn.,
Bhoom.

CERTIFICATE

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

Name of Stenographer	---	Shri. Nikam D. B.
Court	---	2 nd Jt. Civil Judge Sr. Dn.,Bhoom
Date	---	09/06/2026
Order signed by the Presiding officer on	--	09/06/2026
Order uploaded on	—	09/06/2026