

ORDER BELOW EXH.67

1. This is an application moved by the plaintiff u/s. 65 of the Indian Evidence Act. It is submitted by the plaintiff that he wants to produce on record certified copies of the sale deed in respect of the suit property as the original sale deed is lost and therefore prayed to lead secondary evidence. The application is supported with the affidavit.
2. Defendants submitted that the application does not fit in the provisions of Sec.65 of the Indian Evidence Act hence prayed that the application be rejected.
3. Perused the application and say. Considering the application, I am of the view that there is no reason to the plaintiff to suppress original sale-deed. It is not probable that in spite of having possession of original sale deed, plaintiff will sought permission to lead secondary evidence by not adducing the best evidence i.e. original sale deed. Moreover, in the recent judgment of Hon'ble Bombay High Court, Kartik Gangadhar Bhat Vs. Nirmala Namdeo Wagh W.P No.11151/2017 dtd. 3/11/2017, it was held that there is no need to file the application to produce secondary evidence. As per the ratio laid down in the above judgment, it is not necessary to consider the admissibility and relevancy of the said document at this stage. Hence, I proceed to pass the following order:

ORDER

- 1) Application (Exh.67) is allowed
- 2) Secondary evidence produced by the plaintiff is taken on record.
- 3) The plaintiff shall take necessary steps to prove the content of said document.

Date: 02/12/2017

Sd/-
(Ms. A.C. Rokade)
Jt. C.J.J.D., Bhore

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

Name of the Clerk : G.S Mhavale.

Court Name : Smt. A.C.Rokade

Jt.C.J.J.D., Bhore, Dist. Pune.

Date :02/12/2017

Order signed by presiding officer on : 02/12/2017

Order uploaded on : 04/12/2017"