



ORDER BELOW EXH. 35

1. This application is filed by plaintiff for permitting him to lead secondary evidence in respect of sale-deed no. 101/1986 dated 23.01.1986. It is alleged by the plaintiff in this application that the original of this sale-deed has been lost and hence certified copy of this sale-deed is produced in the suit for the purpose of evidence. It is submitted by the plaintiff in this application that there is a mention of this sale-deed in the written statement of the defendant.
2. The defendant submitted his say at Exh. 40 in reply to this application. It is submitted by the defendant in the say that the fact of lost of sale-deed is not disclosed by the plaintiff in the evidence affidavit or application at Exh. 5, etc.
3. This is suit for declaration and permanent injunction in respect of immovable property. The plaintiff has filed his evidence affidavit in lieu of examination-in-chief at Exh. 32 and his further evidence is yet to start. The present application is supported by affidavit of plaintiff at Exh. 36. The certified copy of sale-deed dated 23.01.1986 is already on record. Therefore, there would be no

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injustice upon defendant or any kind of prejudice to the defendant in the present application is allowed. Therefore, in the interest of justice, for fair trial and considering the fact of loss of document, I pass following order.

ORDER

- I. The application at Exh. 35 is hereby allowed.
- II. The plaintiff is permitted to adduce secondary evidence of sale-deed no. 101/1986, dated 23.01.1986.
- III. No costs.

Date : 14/10/2024

(Md. Taher Bilal)
Civil Judge Junior Division, Saswad

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CERTIFICATE

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

Name of Steno	: Nitin M. Shinde, Stenographer (Grade III)
Court Name	: Shri. Md. Taher Bilal Civil Judge Jr. Division, Saswad.
Date of Order	: 14.10.2024
Order signed by P.O.on	: 14.10.2024
Order uploaded on	: 14.10.2024