

ORDER BELOW EXH.26 IN RCS NO.45 OF 2018

Present application has been placed on behalf of plaintiff seeking permission to lead secondary evidence in respect of the execution and contents of the registered sale deed bearing no.1802/2016. Perused the application. Heard learned advocate appearing on behalf of plaintiff. Plaintiff has produced the certified copy of registered sale deed bearing no.1802/2016. So far as custody and possession of original sale deed is concerned, from the averment made in present application, it appears that registered sale is in possession of one Akshay Balasaheb Ghogare who is not party to the suit. Considering the nature of suit, the sale deed in question would be the most crucial and decisive documentary evidence. When the plaintiff is heavily relying upon the sale deed as referred in present application, an opportunity need to be given to the plaintiff to prove the execution and contents of sale deed. Considering the necessity of proving the execution and contents of sale deed, an opportunity need to be given to plaintiff to lead secondary evidence of the contents of said documents. Hence, I pass following order.

: **ORDER** :

1. Application is allowed.
2. Plaintiff is at liberty to lead secondary evidence of the contents of registered sale deed bearing no.1802/2016.

Ghodegaon
Date :- 08/02/2021

(Hamid J. Pathan)
Civil Judge J.D., Ghodegaon.