



R.C.S. No.82/2014
MHSN14000471-2014
Baburao Vs. Aba

ORDER BELOW EXH. 114.

This is application to grant permission to lead secondary evidence in respect of sale-deed No.679/2010 dated 22/04/2010.

2. Heard learned advocate Shri. K.A.Suryawanshi for defendant No.2 and learned advocate Shri. Suhase for plaintiff at length. I have carefully perused the record. This is suit for declaration and perpetual injunction. The plaintiff has prayed declaration of his possession as per ownership. The defendant No.2 come with defence of his possession on the basis of sale-deed dated 22/04/2010.

3. According to the defendant No.2, that sale-deed is lost. He filed affidavit in support of this application. Hence, needs to go through the Section 65(c) of the Indian Evidence Act. Accordingly, secondary evidence may be given of the existence, condition or contents of document. Hence, this application can be considered under section 65(c) of the Indian Evidence Act. The plaintiff has not denied the fact of lost of document. The plaintiff has ample opportunity to contest that document in evidence. Hence, I found substance in this application for proper adjudication of claim of both parties. The defendant No.2 is entitled to adduce secondary evidence of alleged sale-deed. Hence, this application deserves to be allowed. In the result, I pass following order:

ORDER

1. The application is hereby allowed and the defendant No.2 is permitted to lead secondary evidence of sale-deed NO.679/2010

dated 22/04/2010 in the interest of justice, vide Section 65 (c) of Indian Evidence Act.

2. Both parties shall expedite the suit on day to day basis.
3. Order dictated on computer and pronounced in open court.

Dated : 22/10/2024.

(S. A. Surjuse)
Civil Judge Junior Division, Shirala