

ORDER BELOW EXH.50 IN RCS NO.70/2012

1. This is an application by plaintiff for adducing secondary evidence.

2. Perused application. Defendants failed to file their say. Perused record of suit. Heard learned advocate for plaintiff. Heard learned advocate Shri. Kapse for defendant No.1 and learned advocate Shri. Sumant for defendant No.4.

3. It is the contention of plaintiff that, he produced certified copy of mortgage deed (sale deed) dt. 04.04.2001, the custody of original sale deed is with defendant No.1. Defendant No.1 in spite of notice failed to produce the original deed dt. 04.04.2001. Hence, he prayed for reading the certified deed as secondary evidence. Learned advocate for defendant No.1 though failed to file say, he submitted during argument that the custody of original deed dt. 04.04.2001 is with defendant No.1. The deed dt. 04.04.2001 is necessary for final adjudicating the matter in dispute. Hence, in view of Section 63 of Indian Evidence Act, it will be just and proper to allow the application. Therefore, following order.

ORDER

1. The application is allowed.
2. Defendant No.1 is directed to produce the original deed dated 04.04.2001 on next date without fail.
3. If defendant No.1 failed to produce original deed dt. 04.04.2001, then plaintiff is at liberty to adduce secondary evidence.

Date : 25/11/2019

(Sampurna K. Karande)
Jt. Civil Judge, Sr. Div., Barshi.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order are same word to word as per the original Judgment/Order.

- a) Name of the Stenographer : R.P. Sakinal, Steno. Grade-2
- b) Court : Jt. Civil Judge Sr. Div., Barshi.
- c) Date of Judgment/Order : 25.11.2019
- d) Judgment/Order signed by
the Presiding Officer on : 25.11.2019
- e) Judgment/Order uploaded on : 25.11.2019