

MHSO130003202002



ORDER BELOW EXHIBIT-152

This is an application filed by defendant no 6 for giving him permission to lead secondary evidence in respect of sale deed dated 09/01/1989 and will dated 29/12/1987. He submitted that defendant no. 1 is dead. So he taken the search of those documents. He could not find those documents. His defence is rest upon those documents. Hence he prayed for giving him the permission for leading secondary evidence of those documents.

2. The plaintiff has strongly opposed the application. He submitted that the present application is not tenable. It is not legal and premature. Hence prayed for rejection of the application.

3. Heard both parties. The learned counsel for plaintiff argued that defendant no. 6 has not asked to other the defendants whether those documents are in their

possession. It is possible that those documents would be in possession of other defendants.

4. I have considered his submission. I have perused the alleged documents which are annexed with list exhibit 51. The document dated 09/01/1989 is the sale deed executed by deceased Sopan in favour of defendant no. 6. Document dated 29/12/1987 is the will executed by deceased Sopan. Defendant no. 1 is the father of defendant no. 6. If these document drawn in favour of defendant no. 1 and 6 then that documents would be in possession of either defendant no. 1 or defendant no. 6. Those documents would not have been in possession of other defendants. Defendant no. 6 submitted that those documents are lost. He submitted affidavit for this. If in future, those original documents would be produced by defendant no. 6 then he will be prosecuted for giving false affidavit about the lost of alleged documents.

5. So relying upon the affidavit furnished by defendant no 6, this is fit case to grant permission to defendant no. 6 to lead secondary evidence in respect of

alleged documents. Hence application is allowed with costs. The costs in cause.

Barshi.
Dt. 08/02/2024.

Sd/-
(S.B.Vijaykar)
Jt. Civil Judge Jr.Dn. Barshi.

C E R T I F I C A T E

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

(a)	Name of the Stenographer	:	S.R. Barangule
(b)	Court	:	S.B. Vijaykar, Jt.C.J.J.D.&J.M.F.C. Barshi.
(c)	Judgment /Order signed by P.O. on	:	08/02/2024
(d)	Judgment /Order uploaded on	:	09/02/2024