

ORDER BELOW EXH. 20

This is an application filed by the plaintiff for production of the secondary evidence.

2. It is contended that the plaintiff has filed on record at Exh. 11 / 1 original sale deed. However, page no. 8 of the said sale deed is misplaced. Hence, prayed for the production of the secondary evidence.

3. The defendant filed his say on the overleaf of the application and contended that the application of the plaintiff is false and frivolous. The plaintiff has not mentioned proper reason for the admissibility of the secondary evidence. Hence, prayed for rejection of the application.

4. Perused documents on record. Heard learned advocates representing the parties.

5. As per section 65 (c) of the Indian Evidence Act. If the original is destroyed or lost the party can produce secondary evidence with that regard. The plaintiff has filed at Exh. 11/1 sale deed dated 05.03.2002 and certified copy of that sale deed is at Exh. 23/1. Perusal of the both sale deeds, it appears that page no. 8 of the document at Exh. 11/1 is lost. Therefore, in view of section 65 (c) of the Indian Evidence Act. The plaintiff is allowed to use document at Exh. 23/1 to prove his case by proving the said document as per law.

Mohol.

Date: 20.03.2023.

(R. R. Jadhav)

2<sup>nd</sup> Jt. Civil Judge, Jr. Div. Mohol.