

ORDER BELOW EXH.57 IN REG. CIVIL SUIT NO. 229/2014.

The plaintiffs have filed present application for permitting them to lead secondary evidence regarding the sale deeds dated 24.04.1985. The defendants have filed their say and objected the application.

2. Perused the application, say and documents filed on record.
3. It is alleged by the plaintiffs that on 24.04.1985 their predecessor namely Tukaram Bhanudas Kedar, Raosaheb Mahadev Ghodase, Mahadev Siddheshwar Jadhav, Shobhavati Pandurang Waghmode and Sitabai Damu Kedar had purchased the suit property. In order to prove their ownership, the plaintiffs are required to prove the said sale deed. However, the said sale deed is lost. The plaintiffs have taken search of the said sale deed. However, it is not found. On these grounds, the plaintiffs have prayed for permitting them to lead the secondary evidence of the said sale deed. The defendants have objected the said application on the ground that the plaintiffs have not given proper and sufficient reason for permitting them to lead secondary evidence.
4. The plaintiffs have stated on affidavit that the sale deed dated 24/04/1985 is lost. They have taken search of the said sale deed. However, it is not found. Moreover, the plaintiffs have filed the certified copy of the alleged sale deed. The defendants have not challenged the authenticity of the said certified copy. In such circumstances, it is just and proper to permit

the plaintiff to adduce the secondary evidence regarding sale deed dated 24.04.1985. Hence, I pass following order-

ORDER

1. Application (Exh.57) is allowed.
2. The plaintiffs are permitted to lead the secondary evidence regarding the sale deed dated 24.04.1985.

Sangola.
Date: 29.11.2018.

(P.A.Patil)
Jt. Civil Judge, Junior Division, Sangola.

CERTIFICATE

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 : A. S. Bakale.
- b) Court : Jt. Civil Court, Sangola.
- c) Judgment/Order signed by PO on : 29.11.2018.
- d) Judgment/Order uploaded on : 29.11.2018.