

ORDER BELOW EXH.74 IN R.C.S. NO. 168 OF 2012
Parvati Pawar @ Thakar Vs. Umesh Tupe & Ors.
CNR NO. MHST050006962010

This is an application filed by the plaintiff to lead secondary evidence in respect of sale deed dated 27.01.2020 in respect of suit property.

02. Defendants failed to file their say hence, no say order is passed.

03. Heard learned advocate for the plaintiff. Perused record.

04. Present suit is instituted for declaration and injunction. It is the case of the plaintiff, on 01.04.1968 she has purchased suit property from Antu Bhau Khandait and Bapu Bhau Khandait. Since then she is in the possession of the suit property. But on 7/12 extract of suit property name of the Govind Bala Tupe was remained as it is.

05. Defendant Nos. 1 to 4 have illegally executed sale deed in favour of defendant No.5 in respect of suit property. Plaintiff is claiming relief of declaration in respect of above sale deed. To prove this fact alleged sale deed is necessary, so that plaintiff has issued notice to defendant No.5 on 18.06.2024 for the production of original sale deed. In spite of service of notice defendant No.5 has not produced sale deed on the record. Therefore, present application is filed for seeking permission to lead secondary evidence.

06. The copy of said notice and acknowledgment which is filed with list Exh.77. In above facts, the plaintiff has complied as required under Sec.66 of Indian Evidence Act and as defendant failed to produce the said document. To decide matter on merit it is necessary to grant permission to the plaintiff to lead secondary evidence, hence, I pass the following order-

ORDER

- (1) Application is allowed.
- (2) Permission is granted to the plaintiff to lead secondary evidence in respect of sale deed dated 27.01.2020.

Place : Karad
Date : 11.08.2025

(J.J.Mane)
4th Jt. Civil Judge Sr. Dn., Karad.