

**Regular Civil Suit No. 45 of 2018**  
**Krushna Vs. Lalita**

**Order Below Exhibit 80**

**(Passed on 05<sup>th</sup> September, 2023)**

This is an application filed by the plaintiff for issuance of witness summons to the Sub Registrar Wai with directions to bring certified copy of the sale-deeds alongwith its Index-II. It is contended by the plaintiff that the present suit has been filed with a prayer of declaration that the sale-deeds executed in the year 1982 are not binding upon him. He further contended that those sale-deeds are in respect of field properties bearing Gat No.1445 & 1505. Accordinlgy, as per the submission of defendant, mutation entry No.1458 & 1459 have been recorded in the name of defendant. Said fact has to be established and therefore, witness summons to the Sub Registrar Wai be issued with directions to him to bring the certified copies of those sale-deeds alongwith Index-II.

2. The application has been strongly resisted by the defendant by filing her reply at Exh.81. She contended that the application has been filed only to prolong the matter. The sale-deeds executed on 14.06.1982 in favour of the defendant in respect of Gat No.1505 & 1445 have already been filed in original alongwith Exh.68 and as those documents are 30 years old. Those have been given exhibit numbers. In such circumstances, no such witness summons can be issued. She further submitted that already the certified copies of those sale-deeds have been filed on record at Exh.30. The application does not reveal any reason as to why the proposed witness is necessary. Hence, she prayed to reject the application with cost.

3. Perused the application and say alongwith the entrie record. Heard both the sides, at length. It is a matter of record that the plaintiff has adduced his evidence by filing his examination in chief and now, the matter is fixed for further evidence of his witnesses. By the present application, the plaintiff is seeking relief of production of certified copies of the sale-deeds in respect of Gat No.1505 & 1446 which are executed on 14.06.1982. Further, the perusal of record also shows that these original documents have already been filed on record alongwith list Exh.68 & those have been exhibited at Exh.72 & 73, being 30 years old documents. It is also pertinent to mention here that the certified copies of these documents have already been filed alongwith list Exh.30 by the defendant herself. In such circumstances, in my opinion, there is no necessity to call the Sub Registrar Wai as a witness, when the original documents (sale-deeds) and its certified copies have already been filed on record. Moreover, if the plaintiff wants to contradict those documents he may filed other relevant documents to that effect from the concerned office. Hence, the application being devoid of merit is liable to be rjected. Hence, the order:

**ORDER**

1. The application (Exh.80) is hereby rejected.
2. Cost in main cause.

[ Dictated & pronounced in open Court.]

Wai.

Date : 05.09.2023.

(R.M. Bhende)  
2<sup>nd</sup> Jt. Civil Judge Junior Division,  
Wai, District Satara.