

**SPL. CIVIL SUIT NO. 8/2017**  
**Ramchandra & Ors. Vs. Tanaji & Ors.,**

**ORDER BELOW EXH. 139**

Read an application and the reply filed by defendant no.2 at Exh. 144 as well as pursis of defendant no. 1a to 1k at Exh. 145. Perused the record. Heard the learned counsel for plaintiffs Adv. S.B. Jore and the learned counsel for defendants Adv. Shri. V.D. Virkar and Adv. Shri. V.V. Methawade.

2. Plaintiffs filed this instant application and submitted that, plaintiffs produced two originally notarized visar pawati as well as original draft of sale deed dated 22.08.2016. The original draft of sale deed is signed by plaintiffs and defendants, but it is not registered before the registrar. The original draft of sale deed is the material document to decide the present suit and therefore, plaintiffs prayed to exhibit the notarized visar pawati and original draft sale deed.

On the contrary, defendant no. 2 filed the reply and opposed to this application on the ground that, the present application is filed against the provisions of Indian Registration Act as well as Transfer of Property Act. The original draft of sale deed is not registered instrument and therefore, it can't be exhibited. Defendant no. 1a to 1k filed pursis at Exh. 145 and adopted the reply of defendant no. 2.

3. On perusal of record, it appears that, on previous date

plaintiffs examined to the power of attorney namely Vivek Ramchadnra Jagtap at Exh. 66. The notarized visar pawati dated 27.05.2016, is already exhibited as of Exh. 126 during the course of evidence. However, the learned counsel for plaintiffs has not shown another visar pawati as well as original draft of sale deed to the witness during the course of evidence. However, the learned counsel for plaintiffs prayed to defer the examination in chief of plaintiffs witness.

4. It also appears that, the learned counsel for plaintiffs has not shown the alleged document to the said witness to exhibit to the same document. It is not the case of plaintiffs that, the learned counsel for plaintiffs has shown alleged document to the witness and Court denied to exhibit to the same document. Admittedly, the original draft of the sale deed is not a public document. Under this circumstances, it is required to show the alleged document to plaintiffs to exhibit to the same during the course of evidence. On the other hand, plaintiffs filed this present application and prayed to exhibit to unregistered sale deed and notarized visar pawati. The unregistered sale deed and notarized visar pawati, being not a public document can not be exhibited directly without showing the said document to the witness. I found no substance in the application. Hence, I pass the following order.

### **ORDER**

1. The application is rejected.
2. Both the parties are directed to take note of it.

Vaduj  
Date:15.03.2024

( D.D. Fulzele)  
Civil Judge Sr.Dn., Vaduj