



ORDER PASSED BELOW EXH.53 IN R.C.S. No.193/2016

Punjabai ..Vrs.. Tatyrao & Ors.

MHWS02000607-2016

This is an application filed by defendant No.1 for permission to adduce secondary evidence in respect of sale deed executed by Shivaji Saduji Gawai on 03/06/2016 in favour of defendant No.1. He has contended that, defendant No.1 has already filed Civil Suit R.C.S.No.76/2016 in the Civil Court, Malegaon and he has filed the original copy of said sale-deed in the said suit. He has contended that, as the document is in the Civil Court Malegaon, he could not produce it. He prayed for permission to adduce secondary evidence and to exhibit the said certified copy of sale-deed.

2. On the other hand plaintiff has filed his say on the overleaf of the application and has strongly opposed the application. He has contended that, the contents of application are false and frivolous. He contended that, accordingly to defendant he has the custody of original sale deed but he failed to submit the same. The application is not tenable and prayed to reject the same.

3. Heard Advocate Shri. M. S. Gawai for defendant No.1 and Advocate Shri. R. S. Gawali for plaintiff. Perused Record.

4. Defendant No.1 has stated that, he has filed the original copy of sale-deed in the Civil Court, Malegaon in R.C.S. No.76/2016 therefore, he could not produce the original in this court. He has produced the certified copy of the said sale-deed on record. Defendant No.1 has made-out that he could not produce the original sale-deed as he has filed the same in R.C.S. No.76/2016 in Civil Court Malegaon. Hence the application is liable to be partly allowed. Accordingly I pass the following order;

ORDER

1. Application is partly allowed.
2. Plaintiff is permitted to adduce secondary evidence in respect of sale-deed dated 03/06/2016 executed by Shivaji Saduji Gawai in his favour.
3. Defendant No.1 is directed to prove the said document as per provisions of Indian Evidence Act.

Washim
Date - 19/06/2024.

(M. T. Thaware)
2nd Jt. Civil Judge (Sr.Dn.), Washim.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. file Order are same,
word to word, as per the original Order

Name of the Stenographer : B. V. Bhisade, Stenographer Grade-III

Name of the Court : Shri. M.T. Thaware,
2nd Jt. C.J.S.D.Washim

Date : 19.06.2024

Order signed by the
presiding officer on : 19.06.2024

Order uploaded on : 19.06.2024