



ORDER BELOW EXH.22 IN R.C. S. No.181/2022
Nandu Prabhakar Gawai Vs. Kundlik Tukaram Gawai &
Another
(CNR No.MHWS020007202022)

This is an application filed by plaintiff for permission to lead secondary evidence.

2] I have read the application and say. Perused the record.

3] By the instant application the plaintiff intend to lead secondary evidence in respect of document i.e. sale deed dated 11/04/1962. According to plaintiff, his grandfather namely Balwant Ananda and his brothers had purchased the suit property by virtue of alleged sale deed dated 11/04/1962. That after the death of his grandfather, he made search of the alleged sale deed, however, he could not find out the sale deed. Therefore, as the original sale deed is misplaced, he filed the certified copy of the same on record. Hence, it is necessary to lead secondary evidence in respect of the alleged sale deed. Thus, he has prayed for grant of application.

4] Defendant on the other hand strongly opposed the application and submitted that unless the original sale deed is produced, evidence can not be considered. Hence, application may be rejected.

5] I have perused the record. It is seen that, matter is at the stage of evidence of plaintiff. Plaintiff moved present application on

dated 23/07/2025. Present suit is filed for declaration and perpetual injunction.

6] It is pertinent to note that, in the case of **Karthik Gangadhar Bhat-Vs.-Nirmala Namdeo Wagh, 2018(1) Mh.L.J. 726,** Hon'ble High Court has observed that, "*application for permission to lead secondary evidence is neither necessary nor desirable. It is always opened to party to lead secondary evidence before trial court without having to file such application*". It is further observed that, "*Under section 65-C, where the original is lost, the party seeking to adduce secondary evidence must depose that the original is lost*".

7] Therefore, considering the nature of the present suit and the contents made by the plaintiff as regard to the alleged sale deed, in the light of ratio laid down by the Hon'ble High Court in the case of **Karthik Gangadhar Bhat** cited supra, this application stands disposed of.

Washim.
Date - 25/08/2025.

(**Smt. P. V. Rane**)
Civil Judge (Sr. Div.), Washim.

CERTIFICATE

I affirm that the contents of this PDF file judgment/order are same word to word, as per original judgment/order.

- 1) Name of Stenographer :- S. V. Dere (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Washim.
- 3) Date :- 25/08/2025
- 4) Order signed by the
presiding officer on :- 25/08/2025
- 5) Order uploaded on :- 25/08/2025