

ORDER BELOW EXH.26 IN R.C.S. No.181/2022**Nandu Gawai Vs. Kundlik Gawai & Ors.**

The plaintiff has filed application for granting the permission to adduce additional evidence. It is submitted that the plaintiff has filed examination-in-chief by way of affidavit on 23/07/2025 below Exh.23. The plaintiff on the same day filed application for adducing secondary evidence in respect of sale deed dated 11/04/1962 got executed by his grand father from one Bandulal Mohanlal Marwadi vide Exh.22. After submitting the examination-in-chief on 23/07/2025 the Court rejected the application on 25/08/2025. It becomes necessary for the plaintiff to file this application for permission to adduce additional evidence in respect of lost of original sale deed dated 11/04/1962 during the life time of grand father of the plaintiff. Hence, prays to allow the application.

2] On the other hand defendant has filed his say and strongly opposed the application. It is submitted that earlier order dated Exh.22 dated 25/08/2025 has attend finality. The plaintiff can not seek the sme relief under different label. Allowing the application will nullify the Court earlier own order. Once the prayer of secondary evidence is rejected the plaintiff can not reenter through the back door. This is an obvious attempt to fill up lacuna. Hence, prays to reject the application by imposing heavy costs of Rs.2000/-.

3] Heard both the sides. It appears from the record that the plaintiff has filed his affidavit examination-in-chief Exh.23 on record. In the said affidavit there are recitals in para No.4 at page No.4 that grand father of plaintiff has purchased the suit property. It is also mentioned that the plaintiff has produced certified copy of sale deed. It is also mentioned that original sale deed was in possession of grand father of plaintiff. However, after demise of grand father the sale deed is not in

possession of the plaintiff. Therefore, from this evidence of plaintiff it can be gathered that the plaintiff has already deposed before the Court that as the original sale deed is lost hence, he has produced certified copy. As such, the plaintiff has already complied section 65-C of Evidence Act. So, while recording further examination-in-chief the said certified copy of sale deed can be exhibited. Therefore, it is not necessary for the plaintiff to adduce additional evidence in that regard. Hence, the application is liable to be rejected. Hence, I pass following order.

ORDER

The application is rejected.

Washim.
Date:- 27/11/2025.

(**S. S. Sahasrabudhe**)
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 :- 27/11/2025
- 4) Order signed by the presiding officer on :- 27/11/2025
- 5) Order uploaded on :- 28/11/2025