

ORDER BELOW EXHIBIT NO.29
Passed On 27/04/2023

This application is filed for permission to lead secondary evidence with respect to sell deed bearing No. 1936/1982 dated 17/12/1982.

02. According to the applicant, he had filed certified copy of sell deed bearing No. 1936/1982 dated 17/12/1982. The sell deed is executed between Dattatray Bachhewar, Shriram Rathod and Santosh Rathod. The plaintiff is not party to the said sell deed. Therefore he is not having its original copy. Further applicant submitted that the document is executed in the year 1982. The document more than thirty years old document. Hence applicant prayed to lead secondary evidence with respect to agreement dated 05/05/1995.

03. The opponent filed say below exhibit No.31 and submit that the plaintiff and defendant are not party to said sale deed. The said sale deed is not relevant in the present case. Hence he prayed to reject the application.

04. Heard Ld advocate for applicant M. J. Ghatage and Ld. Advocate M. A. Yawale for opponent.

05. After considering the contents of the application and say , following points arise for my determination. I have recorded my findings with reasons thereon as under;

Sr. No.	Point	Answer
01.	Whether application deserved to be allowed?	Yes.
02.	What order ?	As per final order.

Point No. 01

06. In view of submission of the applicant, applicant offering the evidence of the contains of the sale deed bearing no. 1936/1982 dated 17/12/1982. The non production of the said sale deed is not prima-facie arising from the default and negligent act of the applicant. Therefore prima-facie as per the section 65(c) of Indians Evidence Act, the application deserved to be allowed. There is no sufficient objection to disbelieve the applicant. Mere granting permission to lead secondary evidence does not mean that the document is proved. Hence application deserved to be allowed. Hence, I answer point no. 1 is in affirmative and for the point no. 2 following order is passed :-

ORDER

1. Application is allowed.
2. Permission to lead secondary evidence for sale deed bearing no. 1936/1982, dated 17/12/1982 is allowed.

Date : 27/04/2023
Pusad.

(V. S. Waghmode)
3rd Jt. Civil Judge Jr. Dn, Pusad,
Dt.27/04/2023