

MHYA070026192023



R. C. S. No.101/2023

Pandharinath -Vs- Shriram

ORDER BELOW EXH.30.

(Date 16/07/2026)

01. The present suit is filed for specific performance of contract and permanent injunction. In which the plaintiff has filed an application to grant of permission to lead secondary evidence for sale deeds and an agreement to sale. Perused the application and say. Heard both the parties.

02. The plaintiff has stated that, the plaintiff has obtained a xerox copy of the agreement to sale regarding Plot No.37 executed by defendant no.1 on 22/05/2000 from the Lohi Gram Panchayat and a xerox copy of sale deed regarding Plot No.37 executed by defendant no.1 and 2 on 09/02/2021 i.e. sale deed no. 397/2021. Furthermore, he filed sale deed no. 1280/1995 executed by defendants no.1 on 14/11/1995 for Plot No.38. A certified copy of said sale no. 1280/1995 deed has been filed on record. Since those individuals have no connection to the present matter, the original copy is not available with this plaintiff. Hence, learned advocate for plaintiff has prayed to grant permission to lead secondary evidence for the agreement to sale and the sale deeds.

03. Defendant no.1 filed his say and he strongly opposed the application on the ground that, without issuing notice u/s. 65 and 66 of the Indian Evidence Act the application filed is not tenable. He further

submitted that, this document can not be proved by the law. Lastly prayed to reject the application. Defendant no.2 filed his say and he stated that, plaintiff filed this document at evidence stage which is not maintainable. He further submitted that it is not proper way to prove secondary document. This application is not tenable. This application is moved only to harass these defendants. The advocate for defendants argued as the plaintiff do not have any concern with the documents. Lastly, he prayed to reject the application.

04. According to Section 65(a) of Indian Evidence Act, when the original is shown or appear to be in the possession or power of the person against whom the document is sought to be proved or of any person out of reach of, or not subject to the process of the court. In the present case plaintiff has filed certified copy of sale deed no. 1280/1995 and xerox copy of agreement to sale and sale deed no. 397/2021 which is in possession of other person. Who is not subject to process of the Court. Therefore the documents are admissible as secondary evidence. So far as, the correctness or falseness of the contents of it should be proved by plaintiff. Hence I pass following order.

-:: ORDER ::-

1. Application is allowed.
2. Permission is granted to lead secondary evidence in respect of the documents i.e. agreement to sale, sale deed no. 1280/1995 and sale deed no. 397/2021.

Dated :- 16/07/2026

(Smt. Dr. S.V. Rajkuntwar)
Jt. Civil Judge Junior Division,
Darwha, Distt. Yavatmal.

CERTIFICATE

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

Name of Stenographer	Mr. Praful D. Rangari (Stenographer Grade 3)
Court Name	Smt. Dr. S. V. Rajkuntwar Jt. Civil Judge (Jr. Dn.), & Judicial Magistrate F. C., Darwha, Dist. Yavatmal
Date of Order/Judgment	16/07/2026
Order signed by P.O. on	16/07/2026
Order uploaded on	16/07/2026