

IN THE HIGH COURT OF ORISSA AT CUTTACK
C.M.P. No.751 of 2018

Sushanta Kumar Biswal & Ors. *Petitioner(s)*
Mr. R.Mohanty,
Advocate

-versus-

Ranjana Jena & Ors. *Opposite Party(s)*

CORAM:
JUSTICE BISWANATH RATH

ORDER
12.04.2022

Order No.

20.

1. Heard the submissions of learned counsel appearing for the respective parties.

2. This Civil Miscellaneous Petition involves rejection of an application to call for original of sale deed from the custody of HDFC Bank also by issuing summons on such bank. In course of hearing and on perusal of the impugned order, this Court finds the Court in session has the following recordings.

“It goes without saying that earlier notice in compliance of mandatory provision of Section 66 of Indian Evidence Act was sent to the concerned bank to produce the original sale deed and the same has not been produced for which the certified copy of the above sale deed has been marked in this case. Since the certified copy of the above sale deed has been marked as secondary evidence, and there is sufficient foundation has been led for leading secondary evidence. It is after above recording the Court has also come to observe there shall be no adverse

inference against the defendant for not producing the original sale deed will be drawn.”

It is in the above observation of the trial court, this Court finds there is absolutely no necessity for calling for the secondary original sale deed involving the suit and the suit can very well be decided on secondary evidence already available on record.

3. With this observation the CMP stands disposed of.

(Biswanath Rath)
Judge

S.P. Dash

