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23ca9833.23

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**23 CIVIL APPLICATION NO. 9833 OF 2023
IN FA/1105/2023**

JIJABAI W/O SHAMRAO KHANDAGALE

.....Applicants

VERSUS

**THE STATE OF MAHARASHTRA THR THE COLLECTOR,
AURANGABAD AND ORS**

.....Respondents

Mr. D. R. Jayabhar, Advocate for the applicant

Mr. D. B. Bhange, AGP for the respondents/State

CORAM : KISHORE C. SANT, J.

DATE : 19th JULY, 2024

P. C.

1. This application is for production of document i.e. sale deed dated 27-01-2006.

2. It is stated in the application that the applicant could not produce the same before the learned reference court in evidence. Notification under Section 4 was issued on 27-06-2007. Considering this, sale deed is valuable piece of evidence and same needs to be considered while deciding the appeal.

3. Learned AGP opposed the application stating that applicant is from the same village. She could have produced the sale deed in the learned reference court. It appears that she has not made any attempt to get any evidence in her support while leading evidence.

4. On considering that the applicant is an old lady of 72 years, it may not be possible for her to get the copy of sale deed, though it is from the same village. In any case, documents needs to be considered while deciding this appeal and reference. Hence, the application is, therefore, allowed.

5. The applicant is allowed to produce on record the copy of sale deed dated 27-01-2006 for consideration of the appeal.

6. In view of above, the application stands disposed off.
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[KISHORE C. SANT, J.]