



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

965 WRIT PETITION NO. 10527 OF 2024

**BISMILLA KHAN CHAND KHAN
DIED THROUGH L.Rs. SUGRABEE BISMILLAKHAN &
OTHERS
VERSUS
GANESH GANGADHAR KULKARNI**

...
Advocate for the petitioners : Mr.S.F.Shaikh

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**CORAM : ARUN R. PEDNEKER, J.
DATE : 11.10.2024**

P.C. :

1] By the present petition, the petitioners challenge the impugned order dated 01.02.2024 passed by the Civil Judge Junior Division at Kannad below Exh.57 in Regular Civil Suit No.23/2014, whereby the application filed by the respondent–defendant, seeking permission to lead secondary evidence is allowed.

2] The learned counsel for the petitioners submits that in the instant case, the defendant is permitted to lead secondary evidence of the registered document i.e. certified copy of the original sale deed.

3] It is contended by the defendant in the application that the original sale deed is lost and in spite of taking efforts it could not be found. As such, the trial Court, by the impugned order dated 01.02.2024, permitted the defendant to lead the secondary evidence of the sale deed by filing certified copy of sale deed as per Section 65 (c) of the Indian Evidence Act. I do not see any error in the judgment to interfere with the impugned order passed by the trial Court. The present Writ Petition is accordingly dismissed.

[ARUN R. PEDNEKER]
JUDGE

DDC