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

WRIT PETITION NO.11707 OF 2014

Tukaram Gangadhar Kadam.	..Petitioner
-Versus-	
Baburao Mahadji Lokare.	..Respondent

.....
Mr.Niteen V. Gaware, Advocate for the Petitioner.
.....

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 14th January, 2015

Per Court:

1 The Petitioner is the original Plaintiff in Special Civil Suit No.28/2009 which has now been renumbered, on transfer, as Regular Civil Suit No.25/2012. According to the Petitioner, the case revolves around the agreement dated 10.05.2005 and the Respondent/ Defendant is said to have signed the said agreement which also bears the signatures of the attesting witnesses. The Petitioner closed the recording of his oral evidence on 16.09.2010. The attesting witnesses were not examined.

2 The Petitioner submits that though the Defendant has disputed the agreement in his written statement, the affidavit in lieu of evidence filed by the Defendant indicates the seriousness by which he is disputing the agreement.

3 The Petitioner, therefore, moved an application Exhibit-53 before the Trial Court seeking a direction to refer the agreement to the Handwriting Expert so as to invite his opinion on the signatures appearing on the agreement and which are the Defendant's signatures, according to the Petitioner.

4 The said application has been rejected by the impugned order dated 03.11.2012 for the reasons that the Petitioner has not acted with due diligence, has not got the attesting witnesses examined and has moved the application only after the evidence of the Defendant was filed. I do not find any error or perversity in the said order.

5 In the light of the peculiar circumstances recorded above and also in view of the impugned order having been passed on 03.11.2012, I am not inclined to entertain this Writ Petition which has been filed on 10.11.2014 which is two years post the passing of the impugned order. This Writ Petition is without any merit and is, therefore, dismissed. No order as to costs.

(RAVINDRA V. GHUGE, J.)