

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7625 OF 2014

Anil Balasaheb Jadhav	..	Petitioner
VS.		
The Ganesh Sahakari Bank Ltd.		
Nashik	..	Respondents

WITH
WRIT PETITION NO. 7890 OF 2014

Pritam Onion, through Prop.		
Shri Anil Balasaheb Jadhav	..	Petitioner
VS.		
The Ganesh Sahakari Bank Ltd.		
Nashik	..	Respondents

Mr. Bharat Gadhavi for Petitioner in both Petitions.
Mr. Hiten Venegaonkar for Respondent No.1 in both Petitions.

CORAM : M. S. SONAK, J.
DATE: 20 JANUARY 2015

P.C. :-

1] Not on Board. Upon production, taken on board.

2] These petitions are directed against the order dated 2 July 2014 by which the Maharashtra State Cooperative Appellate Court Mumbai, has rejected the petitioner's application to refer certain disputed cheques to the handwriting expert. It is the case of the petitioner that such cheques were neither signed nor issued by him.

3] The record would indicate that such an application was made after recording of the entire evidence. In fact the petitioner also filed a pursis that he is closing his case. The matter was at the stage of filing of arguments, when such an application was moved.

4] There is no satisfactory explanation as to why such a request was not made earlier. There is no explanation as to what prevented the petitioner from himself obtaining a report from the handwriting expert and thereafter examining such handwriting expert in support of his plea that the cheques in question do not bear the signature of the petitioner. The Maharashtra State Cooperative Appellate Court, upon consideration of the matter as well as the legal provisions, has made the impugned order and declined the petitioner's request. There is neither any jurisdictional error nor unreasonableness in the matter of exercise of discretion.

5] Accordingly these petitions are dismissed. There shall be no order as to costs.

(M. S. SONAK, J.)