

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11076 OF 2014

M/s. Vikrant Happy Home Pvt. Ltd.

through its Managing Director

Shri. Gangadhar K. Jadhav

.. Petitioner

vs.

Shri. Vasant M. Pekhale

.. Respondent

Mr. Sanjiv Sawant a/w. Mr. Ketan Joshi for the Petitioner.

None for the Respondent.

CORAM : M. S. SONAK, J.

DATE : 16 MARCH, 2015

P.C. :-

1] This petition is directed against the order dated 9 September 2014, by which the Civil Judge, Senior Division, Nashik has rejected the petitioner-plaintiff's application for reference of the document dated 31 May 1999 to handwriting expert.

2] The impugned order records that the suit is for specific performance of agreement of sale dated 24 April 1999 (sic). The correct date, however, appears to be 24 April 2003. The impugned order also records that though there is reference to the document dated 31 May 1999, in the written statement, the said document is not really relevant for the purposes of the suit, which is for specific performance of agreement dated 24 April 1999. Further, the defendant in his written statement had stated that the document dated 31 May 1999 was cancelled and an amount of Rs.4,82,000/- was also refunded to the plaintiff company.

3] In view of the aforesaid, I do not find any jurisdictional error in the impugned order. If for any reason, the petitioner/plaintiff is of the opinion that the document dated 31 May 1995 is relevant and that the same was not executed by Attorney for the plaintiff, it is open to the plaintiff to lead appropriate evidence in that regard.

4] With the aforesaid observations, the impugned order is not interfered with. The petition is disposed of accordingly.

(M. S. SONAK, J.)

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