

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE JURISDICTION.**

WRIT PETITION NO. 3470 OF 2016

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. Surin Usgaonkar for the Petitioner.

**CORAM : K. K. TATED, J.
DATED : 06/06/2016**

PC.:

. Heard learned Counsel for the petitioner.

2 By this Petition under Article 227 of the Constitution of India, the petitioner original Defendant No.2 challenges the order dated 11.02.2015 passed by Bombay City Civil Court, Bombay in Notice of Motion No. 3634 of 2015 in Summary Suit No. 8011 of 1996 rejecting petitioner's application for sending Exhs.27 & 28 to handwriting experts/documents experts for verifying the genuineness of plaintiff's Director's signature on those documents.

3 The learned Counsel for the petitioner submits that Trial Court erred in coming to the conclusion that defendant No.2 failed to make out the case for sending those two documents to the handwriting experts. Hence, the impugned order passed by the

Trial Court be set aside and Notice of Motion No. 3634 of 2015 be made absolute in terms of prayer clause (a).

4 It is to be noted that in the present proceeding, the Trial Court in paragraph 4 of the impugned judgment specifically recorded that Defendant No.2 has not placed on record the original copies of Exhs. 27 and 28. Apart from that the Trial Court also held that the signatures on those documents cannot be compared because on Exh. 27 PW.1 made initial and on Exh.28 he has signed.

5 Considering these facts, observations made by the Trial Court in paragraph 4 of the impugned order and as the Defendant No.2 failed to place on record the original documents of Exhs. 27 & 28, I do not find any reason to interfere well reasoned order.

6 Hence, Writ Petition stands rejected.

(K.K.TATED, J.)