

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12328 OF 2017

MIYALAL IBRAHIM PATEL
VERSUS
GOPAL RAMNARAYAN KASAT

...
Advocate for Petitioner : Mr. Rane Girish S.

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CORAM : V. K. JADHAV, J.
DATED : 20th NOVEMBER, 2017

PER COURT:-

1. Heard. I do not find any substance in this writ petition.
2. The respondent-plaintiff has instituted a suit for specific performance of contract. According to the respondent, the petitioner has executed an agreement of sale dated 23.10.2010 in his favour. The petitioner has denied his signature on the said agreement of sale with specific pleadings that the defendant used to sign in Marathi language and vaklatnama and written statement filed before the court also shows his signature in Marathi language. The signatures of the petitioner on the said document of sale are in English language. The respondent has produced on record the account opening form of the petitioner and challan of the bank, wherein the signatures of the petitioner appear in English language.

3. Learned counsel for the petitioner submits that the respondent has to lead evidence first to substantiate his contention and if occasion so arises then the aforesaid exercise can be undertaken.

4. I do not find any substance in the submissions made on behalf of the petitioner.

5. The learned Judge of the trial court, after considering other documents placed on record, has rightly passed the impugned order below Exh.21 and 24, directing the parties to send the original agreement to sale, account opening form and Challan to the hand writing expert and also directed the hand writing expert to compare and examine signatures of the petitioner on the said documents.

6. I do not find any fault in the impugned order. Writ petition is devoid of any merits. Writ petition is hereby dismissed. No costs.

(V. K. JADHAV, J.)

rlj/