

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.53 OF 2016
(Keshav Dinkarrao Thombre and others Vs. Narshing s/o Ramrao
Thombre and others)

Mr.A.A.Shelke h/f Mr.P.D.Suryawanshi, Advocate for the petitioners.
Mr.S.J.Salunke, Advocate for respondent No.1.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 07/06/2017

PER COURT :

1. The petitioner is aggrieved by the order dated 04/07/2015 passed by the Trial Court on application Exh.14 in RCS No.294/2014 vide which the Assistant Supdt. of the Trial Court is directed to lodge a report against plaintiff Nos. 1 to 6 for having allegedly forged the signatures of plaintiff Nos. 7 and 8 in the plaint, vakalatnama and accompanying documents.

2. I had heard Mr.Suryawanshi and Mr.Salunke, learned Advocates for the petitioners and the respondents, respectively.

3. Mr.Salunke strenuously criticizes the impugned order by contending that plaintiff Nos. 7 and 8 had filed a baseless application Exh.14 stating that they had not signed the vakalatnama and the plaint papers in the presence of their advocate in their residence.

Due to certain difficulties, plaintiff Nos. 7 and 8 could not travel upto the Court and had actually signed all case papers. He, therefore, submits that the impugned order, directing a lodging of a report against the petitioners in the Police Station at Kaij, is a harsh and unsustainable order.

4. It appears from the record and the impugned order that, prima facie, plaintiff Nos. 7 and 8 had not signed the plaint. Their signatures on the plaint papers do not match with their PAN documents or other documents. The learned Advocate has also filed a say indicating that plaintiff Nos. 7 and 8 have not signed the plaint papers in the presence of the Advocate. It cannot be ignored that plaintiff Nos. 7 and 8 have filed application Exh.14 stating that they had not instituted the suit and had not signed on the plaint papers and the vakalatnama.

5. I could have gone into the details of this matter while passing this order, but for the fact that observations of this Court at this stage were likely to influence the investigation which is being carried out under the impugned order by the Investigating Officer of the Kaij Police Station.

6. Suffice it to say that I do not find that the impugned order could be termed as being perverse or erroneous considering the details in the matter having been recorded in the impugned order by the Trial Court. The same being a well reasoned order, cannot be termed as being perverse or erroneous.

7. As such, this petition, being devoid of merits, is therefore dismissed. Needless to state, the investigation would be independently conducted by the Kaij Police Station.

(Ravindra V.Ghuge, J.)