

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5002/2018

Rahul Arun Pathak

... Petitioner

V/s.

Ishwar Constructions Pvt. Ltd.

... Respondent

Mr. Rahul Arun Pathak Petitioner in person.

Mr. Drupad S. Patil Respondent No.1.

CORAM: K.K. TATED, J.

DATED : NOVEMBER 30, 2018

P.C. :

1 Heard. By this petition under Article 227 of the Constitution of India the Petitioner challenges the order dated 20.01.2018 passed by the 9th Jt. Civil Judge, Senior Division, Pune below Exhibit- 153 in Special Civil Suit No. 1832/2010 allowing the Respondent Plaintiff's Application for sending the document/disputed signature at Exhibit- 133 to 135 along with admitted signature of witness Mrs. Ashwini at Exhibit- 97 to the handwriting expert.

2 The Petitioner party-in-person submits that the Trial Court has directed the Plaintiff to suggest the name of handwriting expert. He submits that instead of sending the documents to handwriting expert, as per the suggestion of the Plaintiffs, it should be sent to Mr. Firoz Shaikh. He submits that this court by order dated 22.11.2018 directed the Petitioner to suggest the

name of an handwriting expert. Hence, he has suggested the name of Firoz Shaikh by his Application dated 30.11.2018. Said Application is taken on record and marked "X" for identification. Hence, by consent of both the parties, the final order dated 20.1.2018 passed by the 9th Jt. Civil Judge, Senior Division, Pune below Exhibit- 153 in Special Civil Suit No. 1832/2010 is modified as under:

- (A) "1 Application is partly allowed.
- 2 Document/disputed signature at Exhibit-133 to 135 along with admitted signature of witness Mrs. Ashwini Baknalkar at Exhibit- 97 be sent to Handwriting Expert.
- 3 Documents be sent to Mr. Firoz Shaikh, B.Sc. (hons), Forensic Diploma in Handwriting Science, Govt. of India (New Delhi), CID, Maharashtra State (Retd), Plot No.65, Flat No.1, Kausarbaug Society, NIBM Road, Kondhwa Khurd - 411048.
- 4 The Plaintiff to bear charges of Handwriting Expert, if any.
- 5 Handwriting Expert is directed to submit his report before the 9th Civil Judge, Senior Division, Pune in a sealed packet, as early as possible, on or before 31.01.2019."

- (B) The Writ Petition stands disposed of accordingly.
- (C) No order as to costs.
- (D) Parties to act on an authenticated copy of this order.

(K. K. TATED, J.)