

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

CIVIL REVISION APPLICATION No.205 OF 2016

So.Kanchan Ajit Adwani & anr.

... Applicants

Vs.

Gajanan Raghunath Keripale
since deceased, through:
Subhash Neelakant Keripale & Ors.

... Respondents

Mr.S.S. Aradhye with M.S. Prabhune for the Applicants

**CORAM: Mrs.MRIDULA BHATKAR, J.
DATED: JULY 30, 2018**

P.C. :

1. This petition is directed against the order dated 27.1.2016 passed by the learned Joint Civil Judge Junior Division, Sangli, rejecting the application of defendant Nos.1 and 2 i.e., the petitioners, for sending two letters i.e., Exh.104 alongwith the signatures of the witness Punjab B. Moire on Exh. 182 and 183 to handwriting expert.
2. The learned Counsel submit that the parties have filed suits against each other. In the suit filed by the respondent/plaintiff, the petitioners/defendants produced the two letters on the point of

possession where their witness Punjab More has signed. However, Mr. More turned hostile as he denied his signatures on those letters. Therefore, after seeking permission of the Court, the witness was cross-examined by the learned Counsel for the defendants. In the cross-examination, he admitted that the documents where his signatures are appearing can be sent to the handwriting expert for his opinion. On the basis of this admission, the petitioners filed an application for obtaining specimen signatures which was allowed by the trial Court, however, a further application for sending of the documents to the handwriting expert was rejected. The learned Counsel submitted that the same Court has taken two different views and moreover, in order to prove possession, these letters are to be proved and the opinion of the handwriting expert is required.

3. Heard the learned Counsel; perused both the orders. Though initially, the learned trial Judge allowed the application obtaining specimen signatures of witness Punjab More, after 1½ year, the learned trial Judge rejected the subsequent application for sending the documents and signatures to the handwriting expert, the expectation of the learned Counsel for the defendants that once

the specimen signatures are allowed to be taken, then, that is only for the handwriting expert, is a correct expectation that the matter is to be taken to a logical end. However, the subsequent order passed by the learned Judge refusing that the documents need not be sent to the expert is a correct order as the reasons mentioned therein are sound and legal and the learned Judge has taken a correct view that the suits are filed in the year 2002 and the witness Punjab More has issued these two letters in 2007. Moreover, the issue of possession cannot be decided solely on the basis of these letters but other weighty evidence is required.

4. In the circumstances, no other view other than the one taken by the trial Judge can be taken. Civil Revision Application is dismissed.

(MRIDULA BHATKAR, J.)