

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7644 OF 2018

Subhash Vasudeo Biskite & Ors. .. Petitioners
Versus
Manohar Sidhu Sawant .. Respondents

Mr. Ajay Joshi for petitioners
Mr.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 20th July 2018.

P.C.

This petition is directed against the order dated 2nd January 2018 passed by 2nd Joint Judge, Senior Division, Pandharpur below Exh.102 in R.C.S.No.477 of 2007. The application was moved by defendant Nos. 1 and 2 for sending the documents to the handwriting expert. The said application was rejected. Hence, the defendant No.1 has filed this petition.

2] Plaintiff is husband of defendant No.2. The plaintiff has filed an application for effecting partition of suit land before Tahsildar amongst himself and petitioner No.2 (original defendant

No.2). The signature on the said application is denied by the plaintiff in his cross examination. It is argued by the learned Counsel for petitioner that defendant No.2 (wife of plaintiff) has not yet stepped in the witness box. Defendant No.1 has led evidence and has given purshis for closure of evidence, the application filed by the defendant No.1 for sending the said application made in the year 2002 to Tahsildar for handwriting expert was rejected. Learned Counsel for petitioner further argued that sending the said application to handwriting expert is the only way to prove the signature. Hence, this petition.

3] In the course of arguments, the learned Counsel has submitted that he wants to examine the defendant No.2 – wife of the plaintiff and it is to be allowed.

4] In this petition, notices are not issued to other side. However, considering the material point in this matter, though the order of sending the document to the handwriting expert is not disturbed and the same is maintained, the petitioner – defendant No.2 is at liberty to apply before the trial court for leading her evidence and that may be considered by the trial court on its own

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merits and in accordance with law, as the arguments have not yet commenced. Petition is dismissed accordingly.

Yogeshwar
Bhalchandra
Gokhale

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Yogeshwar
Bhalchandra Gokhale
Date: 2018.07.23
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(MRS.MRIDULA BHATKAR, J.)