

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

WRIT PETITION No. 13635 OF 2016

Smt Rukmani Baliram Nagtilak

...Petitioner

Versus

Smt.Sangeeta Jagannath Gaikwad & Ors.

...Respondents

.....
Mr.Rajaram V. Bansode for the Petitioner.

.....

**CORAM: MRS.MRIDULA BHATKAR, J.
DATED: JULY 13, 2018**

P.C. :

1. This Petition is directed against the order dated 31st March, 2016 passed by the learned 3rd Jt. Civil Judge, Junior Division, Solapur thereby rejecting the application below exhibit 101 in Regular Civil Suit No. 1288 of 2012.

2. The petitioner, who is the original plaintiff, has filed a Regular Civil Suit No. 1288 of 2012 for injunction, declaration and re-execution. The plaintiff has moved an application for sending Agreement dated 8th February, 2005 to handwriting expert for opinion in respect of the signatures of defendant Nos. 1 and 7.

Defendant No.1 had objected execution of Agreement dated 8th February, 2005 and the signatures of defendant Nos. 1 and 7 upon it and, therefore, the plaintiff could prove the said Agreement.

3. It is informed that the Agreement dated 8th February, 2005 was executed between the plaintiff and defendant No.1. The learned Judge of the trial Court has rejected the application for sending the said Agreement to handwriting expert for opinion in respect of the signatures of defendant Nos. 1 and 7. I do not want to set aside the order of refusing to send back the document to handwriting expert.

4. However, considering the contents of the impugned order and the submissions made by the learned Counsel for the petitioner, it is necessary to mention that if the plaintiff is a signatory to the document and if at all he has deposed about the document and has identified the signature of defendant No.1, then the document is required to be exhibited. However, it appears from the submission made herein that the said document is not accepted by the trial Court.

5. No interference is required in the order dated 31st March, 2016 passed by the learned 3rd Jt. Civil Judge, Junior Division, Solapur. Writ Petition is dismissed.

(MRIDULA BHATKAR, J.)