

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 9261 OF 2017

Mrs.Salubai Jagannath Narke

..... Petitioner

VERSUS

Gulab Babanrao Satpute & Ors.

..... Respondents

Mr.Chaitanya Nikte for the Petitioner.

Mr.Vilas Tapkir for the Respondent nos. 1 and 2.

Mr.S.H.Kankal, A.G.P. for the State – Respondent nos. 3 to 5.

CORAM : R.D. DHANUKA, J.

DATE : 11th JULY, 2018

P.C.

The impugned order passed by the learned Additional Commissioner in Grampanchayat Appeal No.75 of 2017 is set aside. Grampanchayat Appeal No.75 of 2017 and the order dated 11th July, 2016 passed by the Additional Commissioner in Application No.42 of 2016 are quashed and set aside. Application No.42 of 2016 is restored to file before the Additional Collector.

2. The application made by the petitioner as well as responded nos. 1 and 2 for obtaining Handwriting Expert opinion are allowed.

3. The learned Additional Collector shall appoint an handwriting expert from the Government Panel within two weeks from the date of next hearing before the learned Additional Collector.

4. Both the parties are also permitted to produce additional documents in support of their contentions and more particularly to show whether there was any fabrication in the records of the Grampanchayat insofar as the entry inserted in the bill register dated 3rd November, 2014 and alleged signature of the husband of the petitioner is concerned.

5. The learned Additional Collector shall decide the matter *de novo* after considering the evidence as may be produced by the parties and pleadings of both the parties without being influenced by the observations made and the conclusion drawn in the order dated 2nd May, 2017 passed by the learned Additional Commissioner and order dated 11th July, 2016 passed by the learned Additional Collector.

6. The parties have agreed to remain present before the learned Additional Collector on 23rd July, 2018 at 11.00 a.m. Statement is accepted.

7. If the date fixed by the parties and by this court is not convenient to the learned Additional Collector, the learned Additional Collector shall convey the earliest convenient date to the parties in advance.

8. The learned Additional Collector shall decide the said Application No.42 of 2016 within four months from the date of the first hearing. An appropriate order insofar as appointment of the Handwriting Expert is concerned, shall be passed by the learned Additional Collector on the next date when the parties will appear

before the learned Additional Collector.

9. The fees and expenses of the Handwriting Expert, if any, shall be borne by the petitioner and the respondent nos. 1 and 2 equally at the first instance.

10. Writ petition is disposed of in the aforesaid terms. No order as to costs.

11. The parties to act on the authenticated copy of this order.

[R.D. DHANUKA, J.]