

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

WRIT PETITION NO. 1829 OF 2018

Navinchandra Padamshi Zaveri	...	Petitioner
V/s.		
CIDCO & Ors.	...	Respondents

- Mr.Raju Digamber Suryawanshi for the Petitioner.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 23rd MARCH, 2018.

P.C. :

- 1] Heard learned counsel for the Petitioner.
- 2] By this Writ Petition, filed under Article 227 of the Constitution of India, the Petitioner is challenging the order dated 10th August 2017 passed by the 3rd Joint Civil Judge, Junior Division Washi, Navi Mumbai, below the application at Exhibit-79 in Regular Civil Suit No.273 of 2007.
- 3] The application at Exhibit-79 was filed by the present Petitioner, who is the Plaintiff, before the trial Court for sending the three documents, namely, the Agreement of Sale, Declaration-cum-Indemnity and Possession Receipt to the Handwriting Expert, as the

witness thereon, namely, Mr.Madhukar Balu Patil, in the course of his evidence, denied his signature. The trial Court has rejected the said application.

4] In my considered opinion, perusal of the order passed by the trial Court goes to show that no interference is warranted in the said order. In the first place, the application is filed at a very belated stage, after the evidence of the Petitioner and his witnesses is over, and even the evidence of Defendant is also over. It is pertinent to note that the Respondent/Defendant had challenged the execution of these documents in his written statement itself. Despite that, at the earliest opportunity, no such application was filed for sending the documents to the Handwriting Expert. Further in the plaint, no where it is stated, nor even in the cross-examination of the Respondent, it was suggested that, this witness Mr.Madhukar Patil has signed these documents as attesting witness. In such situation, no interference is warranted in the impugned order passed by the trial Court.

5] Writ Petition therefore being without merits, stands dismissed.

[DR.SHALINI PHANSALKAR-JOSHI, J.]