

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 11226 OF 2019

Madhukar s/o Devanna @ Devappa Sutar (Panchal) Petitioner

Versus

The State of Maharashtra
& others

Respondents

Mr. P.G. Gunale, advocate for the petitioner.
Mr. S.W. Munde, AGP for respondent no. 1.

CORAM : RAVINDRA V. GHUGE, J.

DATE : 11th September, 2019

PER COURT:

1. The petitioner - original plaintiff in Regular Civil Suit No. 270/1998 (New No. 1/2004) is aggrieved by the order of the trial Court, dated 14.03.2019, by which, the application to refer the sale-deeds to the handwriting expert, has been rejected.

2. I have considered the strenuous submissions of the learned Advocate for the petitioner, have gone through the six grounds formulated in the memo of petition and have perused the paper book.

3. The petitioner-plaintiff claims that the sale-deeds dated 10.09.1975, 02.06.1976, 03.01.1979 and 05.01.1979 are allegedly signed on his behalf by an impostor. The suit seeking declaration

that the sale-deeds are a nullity, was filed in the year 1998 after about 23 and 19 years respectively. The issue of limitation raised in the suit is answered in favour of the plaintiff, as per the contention of the learned advocate.

4. Exhibit 245 seeking direction to send the sale-deeds to the handwriting expert, does not indicate any circumstance that prevented the petitioner from moving such an application immediately after the pleadings were completed through the written statement of the defendants. For about 20 years, the plaintiff has not taken any step to have the sale-deeds referred to the handwriting expert. Recording of evidence has already concluded in the matter. The trial Court, therefore held that such an application cannot be entertained after 20 years and moreso, in the absence of any pleadings as to why the plaintiff did not take any steps after the pleadings of the parties were complete.

5. In view of the above, I do not find that the impugned order could be branded as being perverse or erroneous. This petition, being devoid of merit, is therefore dismissed.

RAVINDRA V. GHUGE
JUDGE