

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14744 OF 2019
WITH CA/14951/2019 IN WP/14744/2019

BHIMRAO GURUNATH MULE
VERSUS
TRIMBAK SAMBHAJI BIRADAR AND OTHERS

Mr.C.D.Biradar, Advocate for the petitioner.

(CORAM : Ravindra V.Ghuge, J.)

DATE : 17/12/2019

PER COURT :

1. The petitioner is aggrieved by the order dated 24/09/2019 passed by the Trial Court, by which his application Exh.23 filed in C.M.A. 191/2018, has been rejected.

2. I have considered the strenuous submissions of the learned Advocate for the petitioner, who is the respondent in the proceedings before the Trial Court. With his assistance, I have perused the petition paper book and I have also gone through the civil application and the documents annexed thereto.

3. The petitioner has moved an application Exh.23 stating that a

person by name Madhav Trambak Biradar signs as Mahadev. If his name is Madhav, he should not sign as Mahadev. If this is considered, the Trial Court should have allowed Exh.23 in which he had prayed for a direction to Madhav/Mahadev to produce his identity card, Aadhar Card and Election Commission Voter ID Card.

4. I find that there is no dispute in so far as the applicant No.4 in CMA No.191/2018 being Madhav Trambak Biradar. His sign appearing below the verification is Madhav. The documents placed on record indicate that he signs as Mahadev though his name is Madhav. Even on the mortgage deed, he has signed as Mahadev before his name Madhav. The aadhar card indicates the name as Mahadev and the signature is also as Mahadev. In his wife's aadhar card, her name is Madevi and she signs as Mahadevi.

5. The petitioner has already raised written objections about the signature of applicant Nos.3 and 4, in response to CMA No.191/2018. The Trial Court would certainly go into such objections while deciding the application to find out as to whether any impostor has appeared before it in the form of applicant No.3 Somnath and/or applicant No.4 Madhav, so as to ensure that no fraud is played on the Court.

6. Considering the above, I do not find that this petition needs to be entertained. The same is, therefore, disposed off.

7. Pending civil application stands disposed off.

(Ravindra V.Ghuge, J.)