

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8188 OF 2019

Bhikan Mhatarji Raut

...Petitioner

Versus

Ramabai Tukaram Raut & Anr.

...Respondents

.....
Mr. R.V.Gore, Advocate for the Petitioner.

.....

CORAM : RAVINDRA V. GHUGE, J.

DATE : 09-07-2019.

PER COURT :

01. The learned Advocate for the petitioner submits that the petitioner-original plaintiff is aggrieved by the impugned Order dated 19.11.2018 by which his application Exh. 39 praying for referring a sale deed to a handwriting expert and for verification of thumb impressions, has been rejected, in R.C.S. No. 56/2014.

02. The contention of the petitioner is that the sale deed was signed between the plaintiff and defendant Nos. 1 and 2, on 13.5.2011. It is an un-registered document on a stamp papers of Rs. 50/-. The defendants are now denying their thumb impressions and are disowning the sale deed.

03. The Trial Court has rejected Exh. 39 for the reason that on the one hand, the sale deed is not registered under Section 17 of the Registration Act read with Section 54 of the Transfer of Property Act. On the other hand, the plaintiff has available modes of proving the sale deed through witnesses.

04. I do not find that the impugned Order of the Trial Court could be branded as being perverse or erroneous for the reason that the report of a handwriting expert is not a final word on the issue and can, at the most, have a persuasive value. A Court can discard the opinion of such an expert. If there are other signatories to the said sale deed and if the said sale deed is written down by any person or typed by any typist, such witnesses are available for proving the existence of such a sale deed.

05. In view of the recourse available to the petitioner, I do not find any merit in this petition. The same is, therefore, dismissed.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-