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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

**CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2487 OF 2021**

Vijay Narayan Gaikwad	]	..	Petitioner
vs.			
Mr.Sharad @ Mr.Sahadu Ramchandra Dhawale & Anr.	]	..	Respondents

Mr.Vijay Patil, i/b Yogesh Patil, for Petitioner.
Mr.Vilas Tapkir, for Respondents.

CORAM : N.R.BORKAR, J.

DATED : 7TH SEPTEMBER 2021.

P.C.:

1] This Petition takes an exception to the order dated 06.03.2021 passed by the Civil Judge Senior Division, Pune below Exhibit 32 in Special Civil Suit No.282/2016.

2] The respondents herein have filed aforementioned suit for specific performance of Agreement to Sell dated 12.04.2014 against the petitioner. The petitioner has denied execution of the said Agreement to Sell. The petitioner, then filed an application Exhibit 24 for sending the Agreement to Sell for opinion of hand-writing expert i.e. to the office of C.I.D., Pune. The said application was allowed by order dated 22.06.2018. On inquiry by the petitioner with the office of C.I.D., Pune, he came to know that the said office will take at least 4 to 5 years to examine the said document. Therefore, another application was taken out at Exhibit 32 for sending the

said document to private hand-writing expert. The trial court rejected the said application by the order impugned.

3] I have heard learned counsel for parties. During the course of hearing, the learned counsel for the petitioner submits that the trial court may be directed to send the document in question to the office of C.I.D., Pune pursuant to the order passed by the trial court dated 22.06.2018 below Exhibit 24 and he is ready to deposit necessary fee for the examination of the said document.

4] Learned counsel for the respondents objected to the request made by the learned counsel for the petitioner.

5] Admittedly, the order dated 22.6.2018 is still in existence. Considering the fact that the execution of the Agreement to Sell and signature thereon is in dispute, in my view, the opinion of hand-writing expert would facilitate the trial court to decide the controversy between the parties more effectively. Considering these facts, without examining merits of the order dated 06.03.2021, following order is passed :

i] The trial court is directed to send the Agreement to Sell in question to the office of C.I.D., Pune for examination/opinion on deposit of necessary fee by the petitioner with the court/concerned office.

ii] The office of C.I.D., Pune shall endeavour to examine the document expeditiously and submit a report to the trial court.

iii] Writ Petition stands disposed of in above terms.

[N.R.BORKAR,J]