

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8222 OF 2019

Mr. Chandrakant Hiralal Darda Petitioner

Vs.

Mr. Dinesh Popatlal Solanki & Anr. Respondents

Mr. Tajas Hartalkar for Petitioner.
None for Respondents.

Coram : NITIN W. SAMBRE, J.

Date : 6th JULY, 2021

P.C.:

1. Heard Mr. Hartalkar, learned counsel appearing for the Petitioner. None present for the Respondents-original Defendants.

2. My attention is invited to the written statement wherein the Defendants have denied their signatures, based on which claimant have moved an application, Exhibit 43 for drawing specimen signature and calling for an opinion of handwriting expert.

3. The contentions raised before this Court are not controverted.

4. Perusal of the written statement prima facie reveals that the Respondents-Defendants at the end of sub-para 2 of Paragraph 2 has specifically denied the signature on the concerned document.

5. The said fact was lost sight of by the Court below. Apart from above, no proper reasons are furnished for rejecting the prayer.

6 That being so, the petition is allowed. The order impugned passed by 16th Joint Civil Judge, Senior Division, Pune, below Exhibits 43 and 46 on 19th June, 2019 is hereby quashed and set aside.

7. The said court is directed to decide both the applications afresh after giving an opportunity of hearing to the parties.

8. The petition stands partly allowed in above terms.

(NITIN W. SAMBRE, J.)