

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

927 WRIT PETITION NO.4514 OF 2022

**SHRINIVAS RAMBILASH DAYMA AND ANOTHER
VERSUS
HARINARAYAN ALIAS HARIPRASAD PREMSUKH KHATOD
AND OTHERS**

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Advocate for Petitioners : Mr. Avinash N. Barhate Patil
Advocate for Respondent Nos.1 to 3 : Mr. V.B. Jagtap

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**CORAM : SANDEEP V. MARNE, J.
DATE : 15-12-2022**

PER COURT :

. This petition is filed challenging the order dated 14.01.2022 passed by Civil Judge Senior Division, Shrirampur below Exh.83 rejecting the petitioner's application for sending the Leave and License Agreement for verification and analysis to Government Document Examiner, Pune to verify the age of daughter. The document in question is leave and license agreement shown to have been executed on 06.02.1995. The suit is filed for ejectment of petitioners – defendants on account of occupation of the premises after expiry of the licence. Petitioners-defendants have denied execution of leave and license agreement in the written-statement. In their written-statement, the defence of defenants is that plaintiff obtained signatures of defendants on blank paper. Since the stamp paper had been purchased on 06.02.1995, it appears that the alleged

act of obtaining signatures of the defendants on the blank stamp paper must have taken place in the year 1995 itself. However in their application filed for examination / verification of the document, defendants accused plaintiff of putting false signatures on the leave and license agreement. Thus the stand of petitioners - defendants in the written-statement about their signatures being taken on blank stamp papers appears to be contradictory to the stand taken in the application that the signatures are fake.

2. Petitioners have also contended in their application that in 1995 it was not possible to have the deed typed through a computer. This contention *prima facie* appears to be incorrect as computers as well as electronic typewriters were available in the year 1995.

3. Defendants are yet to lead their evidence and in stead of doing so, they filed application in question. The trial Court has adversely commented upon the conduct of defendants in prolonging the matter to lead evidence in the trial. In these circumstances, the application of petitioners - defendants have rightly been rejected by the trial Court. The petition is devoid of merits and the same is dismissed without any orders as to costs.

(SANDEEP V. MARNE, J.)