

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

948 WRIT PETITION NO.6419 OF 2022

**RAVI ANANT PATIL
VERSUS
RAJENDRA DATTATRAY MAHAJAN**

...

Advocate for Petitioner : Mr. Kulkarni Suresh Madhusudan

CORAM : MANGESH S. PATIL, J.

DATE : 24.06.2022.

PER COURT :

Heard the learned advocate for the petitioner.

2. The petitioner is stated to be a tenant of the respondent facing an eviction proceeding which is going on since the year 2016 before the competent authority at Nashik under the Maharashtra Rent Control Act.

3. The petitioner moved application (Exh. 103) and requested the competent authority to forward the leave and licence agreement produced on the record purportedly bearing signature of his wife and her admitted signature for comparison to a handwriting expert. It is contended that the agreement bears her forged signature. By the order under challenge the application has been rejected.

4. Learned advocate Mr. Kulkarni would submit that since inception the petitioner has been disputing his wife's signature on the agreement. Merely to see to it that the matter goes to the competent authority under the Rent Control Act at Nashik when the property situates at Bhusawal, that a forged agreement has been brought into existence by the respondent. He also submits that a private criminal case has also been instituted and pending before the Magistrate at Bhusawal about alleged

forgery. Independently, even he has preferred a proceeding before the court at Bhusawal for fixation of standard rent. He submits that in the facts and circumstances of the case, the competent authority ought to have accepted the request and sent the document for examination. The order is illegal and causes serious prejudice to the petitioner.

5. I have carefully considered the submissions and perused the papers.

6. Admittedly, the eviction proceeding is going on before the competent authority since the year 2016. By the extant request the petitioner merely disputed the signature of his wife on the agreement. As has been noted by the competent authority in the order under challenge, he is not denying his own signature on the agreement.

7. Besides, though the eviction proceeding has been instituted in the year 2016, the request for sending the document to the handwriting expert has been moved in the year 2019. Though it is a matter of record that the petitioner's wife seems to have initiated a criminal proceeding in the form of a private complaint which is pending at Bhusawal even that complaint was filed in the year 2017. It is not made clear by the petitioner as to whether he has ever made any attempt to get the signatures, disputed and admitted, of his wife examined by an handwriting expert by approaching it without seeking assistance of the court or competent authority. Pertinently, in spite of having filed the criminal case, if such is the state of affairs, the request that was made belatedly, in my considered view has been rightly turned down by the competent authority for the reasons mentioned in the order.

7. The Writ Petition is dismissed.

(MANGESH S. PATIL, J.)

mkd/-