

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

24 WRIT PETITION NO.10250 OF 2022

**NARESH RUPLA CHAUDHARI
VERSUS
SAVITA UMESH MUNDADA AND OTHERS**

...

Advocate for Petitioner : Mr. N. L. Choudhari

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CORAM : SHARMILA U. DESHMUKH, J.

DATE : 01-02-2023

PER COURT :

. Heard.

2. The petitioner challenges the order dated 21.12.2021 passed by the trial Court in Special Civil Suit No.11 of 2016 directing the petitioner to submit his specimen signatures and thumb impressions for the purpose of sending the same to the State Government Examiner.

3. Special Civil Suit No. 11 of 2016 was instituted by the respondents seeking refund of the earnest money of Rs.52 Lakh which has been paid, as per the averments in the plaint pursuant to an agreement for sale executed between the petitioner and the respondents. The petitioner in the written-statement filed has denied

the agreement for sale and in his affidavit of evidence has denied his signatures and thumb impressions on the said agreement for sale, which stand has been reaffirmed in the cross-examination of the petitioner.

4. Considering the position that what is sought is a refund of earnest money pursuant to an agreement executed between the petitioner and the respondents, which execution is being denied by the petitioner to the extent of his signatures and thumb impressions on the said agreement for sale, for the purpose of proving the same the application filed by the respondents for sending specimen signatures and thumb impressions to the State Government Examiner cannot be faulted with. The trial Court after considering the averments in the plaint, the written statement filed by the petitioner denying the existence of the agreement for sale as also his signatures and thumb impressions on the agreement for sale which stand was reaffirmed in the evidence of the petitioner has rightly directed the petitioner to submit specimen signatures and thumb impressions for the purpose of sending the same to the State government Examiner.

5. The learned counsel for the petitioner is unable to demonstrate any infirmity in the said order.

6. Considering the nature of the proceedings, I do not find any infirmity in the impugned order. Consequently, the writ petition stands dismissed.

(SHARMILA U. DESHMUKH, J.)

GGP