

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

Writ Petition NO. 3874 OF 2023

Parshuram Rajaram More & Ors	...Petitioners
Versus	
Sadashiv Ramchandra More & Anr	...Respondents

Mr. Rushikesh C. Barge for the Petitioners.

CORAM : SARANG V. KOTWAL, J

DATE : 28TH MARCH, 2023

P.C.:

1. The Petitioners have challenged the order dated 13/10/2022 passed by learned Civil Judge, Junior Division, Koregaon, District-Satara below Exhibit-106 in Regular Civil Suit No. 60 of 2008.
2. The Petitioner No. 1 is son of Rajaram More. The Petitioner No. 1 is Defendant No. 1 in the suit. The Respondent No. 1/Original Plaintiff has filed the aforementioned suit for perpetual injunction for enjoyment of the property. The contentions of the Plaintiff were that Rajaram More had executed a document dated 23/12/1994 in the nature of Lease Deed and thereby the Plaintiff was in possession and in use of that property.
3. The question arose about the thumb impression on the said document and therefore the Original Plaintiff filed an Application

for sending the said document to the expert for comparing the thumb impression of Rajaram More with another document which was the Sale Deed dated 15/04/1991, which also had the thumb impression of Rajaram More. The said Application was allowed by the impugned order which is challenged before this Court in this Petition.

4. Heard Shri Barge, learned counsel for the Petitioners.

5. Learned counsel for the Petitioners submitted that the said Rajaram More used to put his signature in *modi script* and he never used to put his thumb impression and therefore there was no question of putting his thumb impression on the Lease Deed. He further submitted that the thumb impression on the Sale Deed dated 15/04/1991 is disputed and therefore it cannot be assumed that it was the thumb impression of Rajaram More. He therefore submitted that the impugned order needs interference.

6. I have considered these submissions and have perused the impugned order.

7. The learned Judge has observed that the Sale Deed dated 15/04/1991 which bears the thumb impression of Rajaram More was never challenged by the Petitioners herein at any stage, in any proceedings and in any Court. The dispute raised about the

thumb impression on the document dated 15/04/1991 was raised only to oppose the application of the Original Plaintiff. The learned Judge has observed that it was necessary to compare the thumb impressions on these two documents. I do not see any fault in the reasoning of the learned Judge and therefore I am not inclined to interfere in the impugned order.

8. The Petition is dismissed.

9. However, the other contentions raised by learned counsel for the Petitioners about the practice of Rajaram More of putting his signature on the document is left open, to be decided after evidence is led.

(SARANG V. KOTWAL, J.)