

Sharad Nandkumar Thakur and Ors. ... Respondents

Mr. Prasad Avhad I.by Chetan Nagare, for the Petitioners.

DATE : 15TH APRIL 2025.

PC:

1. The challenge in this petition is to an order dated 4th December 2024 passed on an applicant to send the documents (Exhibit 249 and 250) and the sale deed for the opinion of the handwriting and finger print expert.
2. By the impugned order the learned Civil Judge was persuaded to reject the application observing, *inter alia*, that the defendants had denied the execution of the receipts and the signature/thumb impression on the sale deed by filing their written statement. Defendants had also cross-examined the plaintiffs witnesses. Thus at such belated stage, reference of the documents to the opinion of the handwriting and finger print expert was not warranted.

3. The suit came to be instituted for specific performance of the contract for sale purportedly contained in an earnest note dated 5th December 1981 and the receipts which were subsequently executed. The suit was filed in the year 2013. The defendants have disputed the execution of the receipts at the earliest possible opportunity. By the instant application the plaintiff also sought to refer the thumb impression of Smt. Radha, the mother of the defendant nos. 1 and 2 for the opinion of the handwriting expert. Admittedly, Smt. Radha the mother of the defendants, has passed away. There are no admitted thumb impressions of Smt. Radha on record to compare the same with the disputed thumb impression.

4. In these circumstances, the learned Civil Judge does not seem to have committed any error in declining to send the documents for the opinion of the handwriting and finger print expert at such a belated stage.

5. No interference is warranted in exercise of supervisory jurisdiction.

6. The petition stands dismissed.

(N.J. JAMADAR, J)