

Spl. Civil Suit No. 282/2016
Sahadeo Dhawale Vs. Vijay Gaikwad

ORDER BELOW EXH- 24.

1. This is an application filed on behalf of the defendant for sending document to handwriting expert. This application has been resisted on behalf of the plaintiffs by filing their reply at Exh. 25. Read the present application and say thereon. Heard both Ld. Counsels on behalf of both the sides. Perused record.

2. On scrutiny of the present application, the defendant has contended that already the defendant moved an application at Exh. 19 requesting therein to direct to the plaintiff to produce original copy of agreement to sale dated 12/05/2014. This Court has allowed that application of the defendant at Exh. 19 dated 18/03/2017 and directed to the plaintiff to produce original copy of agreement to sale deed dated 12/05/2014. As per order of this Court passed below Exh. 19 the plaintiff produced original copy of agreement to sale deed dated 12/05/2014 under list of document at Exh. 23.

3. On scrutiny of the written statement filed by the defendant at Exh. 15, it appears to me that the defendant has denied the existence of agreement to sale deed dated 12/05/2014 as well as he has denied his signature on the said agreement to sale deed.

4. By way of reply to this application of the plaintiff at Exh. 25, the plaintiff contended that the defendant has moved this application for sending the original deed of agreement to sale for examination to handwriting expert with an intention to prolonging this matter and delay the matter of T.I. application at Exh. 5 moved by the plaintiff. On these grounds the plaintiff has requested that the present application of the defendant may kindly be rejected.

5. Above my discussion, I pointed out that the defendant has filed his say and written statement at Exh. 15 and by way to his written statement, the defendant has denied existence of agreement to sale deed dated 12/05/2014 and he has also denied his signature on the agreement to sale deed. Therefore, it requires to refer this original agreement to sale deed dated 12/05/2014 for examination to handwriting expert. If this application is allowed, it will not caused any injustice on the part of the plaintiff. But true facts will be come on record for deciding the matter on merit. Therefore, I proceed to pass the following order :-

ORDER

1. Application of the defendant at Exh.24 for sending the original document agreement to sale deed dated 12/05/2014 for examination to handwriting expert is hereby allowed as prayed for.

2. The defendant is hereby directed to deposit necessary fees in the Court, for fees of examination expert.

Pune
Date 22/06/2018

Sd/-xxx
[R.V. Kokare]
Civil Judge Sr. Division, Pune.

Certificate

I affirm that the contents of this P. D.F file judgment/Order are same, word to word, as per the original judgment/Order.

Name of the Stenographer	K. V. Marathe, Steno (Grade-II)
Name of the Court	Mr. R.V. Kokare, C.J.S.D.,Pune.
Date of Judgment/order	22/06/2018
Judgment/order signed by the P.O on	26/06/2018
Judgment/order uploaded on	27/06/2018