

ORDER BELOW EXH. 88 in
SPECIAL CIVIL SUIT NO.67 OF 2013

- 1). The present application is preferred by the plaintiff side contending that with respect to order passed below Exh.84 the Talati-Cum-Mantri of Gopipura Gram Panchayat Halol has produced documents vide Mark 84/1 to 84/5, wherein in documents of Mark 84/3 and 84/5 the signature of plaintiff seems to be there.

It is further contended that the signature in Mark 84/3 and 84/5 is not of the plaintiff and it has been forged by someone. So far getting an opinion from FSL the specimen signature along with the said documents are required to be sent for analysis and on basis of the report of FSL the final adjudication of the present suit can be done conveniently.

So the plaintiff has prayed to get the original documents of Mark 84/3 and 84/5 from Talati Cum Mantri and to be sent along with specimen signature of plaintiff to FSL for analysis. The plaintiff has stated that he is ready to bear the expenses of the same. The plaintiff has submitted affidavit in support of the said application.

- 2). The Ld. advocate of defendant Nos.1 to 4 has endorsed as no objection on present application.
- 3). Now looking to the dispute involved in present suit then the plaintiff has claimed that suit property has come in share of his father and then after has devolved in him as

well as the possession of it lies with him since 1931. The relevant entry in revenue record was carried out vide entry No.101 and subsequently by entry No.545. It is his say that there was no share of defendant No.4 but in collusion with revenue authority he has got his name entered in revenue record of suit property and has got carried out revenue entry No.547 in an illegal manner.

During the course of evidence of plaintiff he has through witness summons and production witness has brought on record the said disputed documents regarding revenue entry No.547. Then after the originals of said documents are even produced vide Exh.89. It is the say of the plaintiff that in documents of Mark 84/3 and 84/5 whose originals are produced at Mark 89/1 and 89/2, respectively his signature is being forged.

At this juncture, it is to be noted that the main dispute revolves around said entry No.547 and the documents of disputed signature are notice under Section 135(d) and statements with respect to the same. So whether the said notice was duly served to the plaintiff and whether he has given his answer as per said statement is the crunch and crucial question involved in this case. Generally by taking assistance of provisions of Section 73 of the Indian Evidence Act, this Court can compare the disputed signature with the admitted ones but in the present case the disputed signature relates to the year 1968. So in that circumstance this Court has to remain cautious enough for comparing a signature done before 54 years with the present one. Hence, in this

circumstance this case is appropriate for seeking assistance of an expert and therefore, the present application deserves to be accepted. Therefore, following order is passed in larger interest of justice :

ORDER

1. The present application of the plaintiff vide Exh.88 is hereby allowed.
2. The disputed signature of the plaintiff which is shown in original documents of Mark 89/1 and 89/2 is to be sent to FSL, Gandhinagar for carrying out the analysis of the same with the specimen signature of the plaintiff. The FSL, Gandhinagar has to opine whether the disputed signature of plaintiff which is shown in Mark 89/1 and 89/2 is of the plaintiff or not.
3. The plaintiff at this juncture has to deposit Rs.10,000/- for analysis of disputed signature and has to submit his specimen signature in 36 samples i.e. 6 signatures each on 6 pages before the Registrar of this Court. On deposit of the amount, the Registry has to forthwith carry out the procedure for sending the disputed signature documents along with specimen signature for analysis to FSL, Gandhinagar.

The order is read, signed and passed on this day i.e.1st December 2022 in this open Court.

Date : 01/12/2022 (Parvezahemad Alimohamad Malaviya)
Principal Senior Civil Judge,
Place : Halol Ta.Halol, Dist.Panchmahal
(Code No.GJ00837)

N.A.Christian