

Order on I. A.No.XVI

1. The application I.A.No.XVI is filed by the plaintiff U/se 151 of CPC to send the original documents in respect of Ex.D6 to Ex.D8 and Ex.D10 to the forensic expert for comparison of signatures of N.Muttusway find on the plaint and verification affidavit.

2. The application is supported by affidavit of plaintiff and it is sworn that the defendant has produced and got marked documents as per Ex.D6 to Ex.D8 and Ex.D10. The said documents are not the original documents and therefore the original documents in respect of said Ex.D6 to Ex.D8 and Ex.D10 are secured from Tahsildar office. Therefore prayed to send the said original documents in respect of Ex.D6 to Ex.D8 and Ex.D10 for comparison of signatures of N.Muttusway along with the signatures found in plaint and verification affidavit. Hence prayed to allow the application.

3. The counsel for defendant has filed objections to the present application and it is stated that the plaintiff has filed present application only to drag the proceedings and harass the defendant . Hence prayed to dismiss the application.

4. Heard the arguments of counsel for both parties.

5. The plaintiff has filed the present application to send the original documents secured from Tahsildar office in respect of Ex.D6 to Ex.D8 and Ex.D10 to forensic expert for comparison of signatures of N.Muttuswamy along with the signatures now found in plaint and verification affidavit. On perusal of other

sheet, earlier the counsel for plaintiff had filed I.A.No.14 U/o 26 Rule 10(A) of CPC and the said application was allowed by this court for comparison of signatures found in Ex.D6 to Ex.D8 and Ex.D10 along with signatures found in plaint and verification affidavit. Since the said Ex.D6 to Ex.D8 and Ex.D10 are not the original documents, as per the application I.A.No.XV filed by the plaintiff, the original documents in respect of Ex.D6 to Ex.D8 and Ex.D10 were secured from Tahsildar office. Now the plaintiff has filed application to send the said original document secured from Tahsildar office for comparison of signatures found in said documents along with plaint and verification affidavit by sending the same to hand writing expert. This court has already considered the application filed by the plaintiff for comparison of the signatures but the since original documents were not available, the same was secured from the Tahsildar office. Now the plaintiff has prayed for sending the said original documents to hand writing expert for comparison of the signatures. In the interest of justice and as per the order already passed by this court dated 09.06.2023, it is necessary to send the original documents in respect of Ex.D6 to Ex.D8 and Ex.D10 to hand writing expert for comparison of the signatures. Hence, this court proceeds to pass the following:

ORDER

The application I.A.No.XVI filed by the plaintiff U/sec 151 of CPC is hereby allowed.

The plaintiff is hereby permitted to compare the signatures found in original documents in respect of Ex.D6 to Ex.D8 and Ex.D10 along with plaint and verification affidavit by sending the same to hand writing expert.

Office is hereby directed to separate the original documents in respect of Ex.D6 to Ex.D8 and Ex.D10 and mark them as C-1 to C-4 for the purpose of identification and similarly directed to mark the original plaint as S-1 and signatures as S-1(a), verification affidavit as S-2 and signatures as S-2(a) and further directed to send the said admitted and disputed signatures for comparison to the hand writing expert if further steps are taken.

For further steps.

Call on: 22.02.2024.

(Dictated to the Stenographer, transcribed by him on computer, revised, corrected and then pronounced by me in the open Court on this the 14th day of February, 2024)

**(Sandesh Prabhu. B)
Senior Civil Judge & J.M.F.C
H.D.Kote**