

Order below Exh.251 in R.C.S. No.22/2009.
(CNR No. : MHDH06-000565-2009)

This is an application filed by defendant No.1 to 4 for referring additional documents to Hand Writing Expert for verify the genuineness of signatures of deceased Daga Bhaidas Patil and plaintiff No.2 bears upon agreement to sale Exh.174.

2. It is contended by defendant No.1 to 4 that as per order below Exh.237 the Court had sent the documents Exh.203, Exh.1 and Exh.2 to Hand Writing Expert to verify the genuineness of signatures bears upon Exh.174. It is further contended that the letter Exh.243 received from Hand Writing Expert and as per report Exh.244 the Hand Writing Expert opined that the additional documents requires for verify the genuineness of signatures. Therefore, they have prayed for sent the documents Exh.11, 38, 50, 120, 204 to 207 and 225 to Hand Writing Expert along with earlier documents sent as per order below Exh.237.

3. Plaintiffs have strongly opposed this application and submitted that as per order of the Court Hand Writing Report received therefore, the prayer of the defendant No.1 to 4 is not legal and tenable. It is further submitted that there is no necessity to sent documents as alleged by the defendants to Hand Writing Expert. The defendants have filed this application with intention to prolong the matter.

4. Perused the application and say filed thereon. Heard both side. Also perused the report received from Hand Writing Expert. As per order below Exh.237, the document Exh.203, plaint Exh.1 and Vakalatnama Exh.2 were sent to Hand Writing Expert to verify the genuineness signature of deceased Daga Bhaidas Patil and

plaintiff No.2 bears upon Exh.174. The report Exh.244 received from the Hand Writing Expert and the Hand Writing Expert given his opinion as follows.

OPINION

1. *The document of the case have been carefully and thoroughly examined.*

2. *There is gap of Sixteen years between the execution of the Questioned signatures marked Q1, Q3 & Q4; and the admitted signatures marked S1 to S3. Hence, it is no possible to express any opinion on the authorship of the signature as the nature and extent of variation among these signatures could not be evaluated. Therefore, a few more contemporaneous admittedly genuine signatures of the person called "Daga Bhaidas Patil" may be collected and sent to this office for further examination.*

3. *There is gap of Twenty Three years between execution of the Questioned signature marked Q2 and the Admitted signatures marked S4 to S6. Hence, it is not possible to express any opinion on the authorship of the signatures as the nature and extent of variation among these signatures could be evaluated. Therefore, a few more contemporaneous admittedly genuine signatures of the person called "Himmat Daga Patil" may be collected and sent to this office for further examination.*

5. As per the opinion of Hand Writing Expert due to gap of sixteen years between questioned signatures and admitted signatures it is no possible to express any opinion on the authorship the signatures as the nature and extent of variation among these

signatures could not be evaluated. Now, the defendant No.1 to 4 prayed for sent the documents Exh.11, 38, 50, 120, 204 to 207, 225. The document Exh.11 is summons, document Exh.38 is list of documents, document Exh.50 is amended application, document Exh.120 is adjournment application and document Exh.225 is note written by Court Commissioner. It means these documents prepared or written after institution of the present suit. The documents Exh.204 to Exh.207 are in respect of loan obtained in the year 2002, 2008. The document Exh.174 executed in the year 1986. It means there is gap of more than 16 years between these documents and questioned document Exh.174. As per opinion of Hand Writing Expert he could not express opinion about genuineness of signature due to gap of 6 years between questioned and admitted signature. Therefore, it appears that no purpose would be served by sending the documents as contended by the defendant No.1 to 4 as there is more than 16 year between these documents and questioned document Exh.174. Therefore, if though these documents sent to Hand Writing Expert it would not suffice any purpose. Therefore, this application appears without merit, hence, deserves to be rejected. Hence, following order.

ORDER

Application Exh.251 is hereby rejected.

Sd/-xxx

(S. L. Vaidya)

Date :- 01/10/2021.

Civil Judge (J.D.), Shindkheda.

CERTIFICATE

I certify that the contents of this PDF file are word to word as per Original Order.

Name of the Steno : N.C. More,

Name of the Court : Civil Court J. D., Shindkheda,

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Sd/-xxx
Stenographer(Gr.-III)