

**ORDER BELOW EXH.75.**

- 1) This is application by plaintiff for referring his specimen signature and disputed signature to the hand-writing expert.
- 2) The plaintiff contends that, defendants have forged signature of plaintiff on sale-deed in order to grab his property. Therefore, in order to bring out the truth, specimen signature of the plaintiff as well as the disputed signature be verified and examined by handwriting expert at the expense of the plaintiff.
- 3) The defendants have resisted this application by contending that, plaintiff's evidence is complete and plaintiff signs still has denied the signature on the plaint. Moreover, the sale-deed is of the year 1983 and it has presumptive value and plaintiff has a burden of prove to prove his contention by examining witness and reference to the handwriting expert will consume time. Hence, defendants have prayed for rejection of this application.
- 4) I have heard the learned counsel for the parties. I have perused the entire record of the case.
- 5) This is a suit of the plaintiff against defendants Nos.1 to 13 by which plaintiff has prayed for declaration of sale-deeds executed by deceased Dharmraj Sona in favour of defendant are null and void and non binding on plaintiff, for partition of the suit property, for mense profit etc.
- 6) The plaintiff has denied executing sale-deed bearing No.945 along-with Shantabai Dharmraj dated 16.04.1983 by which 1 H 22 R of Gut No.400 was purchased by plaintiff along-with Shantabai Dharmraj as plaintiff contends that, he already owns that land so he would not purchase it.

7) The other executant of other sale-deeds namely Dharmraj Sona has died. Therefore, his signature may not be verified.

8) However, as plaintiff has denied his signature on the sale-deed dated 16.04.1983 and that being is principle contention in this suit. Therefore, the examination of the purported signature of the plaintiff on that sale-deed is warranted and it will assist the court in adjudication of the suit.

9) Moreover, other modes of proving that contention may not guarantee accurate proof of that, whereas the examination of the signature by handwriting expert will have more evidentiary value.

10) Hence, considering the prayer of the plaintiff and non prejudice to the defendant, I am inclined to allow this application.

11) Hence, I proceed to pass the following order ;

**:: ORDER ::**

- i) The application Exh.75 is hereby allowed.
- ii) The specimen signature of the plaintiff be compared and verified the disputed signature of the plaintiff on the sale-deed dated 16.4.1983 which is at Exh.56.
- iii) The certified copy of the sale-deed dated 16.04.1983 be sent to the handwriting expert.
- iv) The plaintiff to give specimen signature in court along-with past proof of such a signature and certified copy of sale-deed dated 16.04.1983 and those also be sent to the hand-writing expert.
- v) Plaintiff to bear expenses of examination of handwriting expert.
- vi) Issue letter to hand-writing expert after compliance of clause-iv direction.

Date :- 17/07/2018.

Sd/-  
(Padmakar S. Jondhale)  
Civil Judge, Jr. Division, Bhadgaon.