



**ORDER PASSED BELOW EXH.189**  
**IN REGULAR CIVIL SUIT NO.190/2014**

[ CNR No.MHKO090002992014 ]

This is an application filed by the plaintiff under Section 39(1) of the Indian Evidence Act for sending the documents bearing deed Nos. 2345/2010, 2344/2010, 2665/2006, and 393/2010 to a handwriting expert. The plaintiff contends that the said documents were never executed by deceased Gaus in favour of the defendants, and therefore, examination by an expert is necessary to determine their genuineness.

2. The defendants have opposed the application. It is submitted that the suit is already fixed for final arguments, and that the plaintiff had closed his evidence long back. It is also pointed out that the plaintiff has already examined an expert witness on the same point during the course of trial. Hence, the present application is not maintainable and has been filed only to delay the proceedings.

3. Heard both sides and perused the record.

4. The record shows that the matter is pending for final arguments for quite some time. The plaintiff's evidence has already been closed. The Court had, on several earlier occasions, directed the plaintiff to proceed with arguments and not to seek any further adjournment. It is also seen that after changing his

advocate, the plaintiff has now filed this application.

5. The question before the Court is whether at this stage the documents should be sent again to the handwriting expert. The plaintiff has already examined an expert witness during trial in respect of the same disputed documents. Once such evidence is already available on record, there is no need to send the documents again for examination.

6. Allowing such an application after the closure of evidence and when the matter is posted for arguments would amount to reopening the case. No sufficient reason or new circumstance has been shown by the plaintiff which would justify such reopening. The present request appears to be made at a belated stage without any necessity.

7. Therefore, in view of the facts on record and considering that expert evidence has already been led by the plaintiff, this Court finds no reason to allow the present application. Thus, I pass the following order :-

**ORDER**

The application stands rejected.

Place : Gadhinglaj.  
Date : 10.10.2025.

( N. S. Puri )  
Civil Judge Senior Division,  
Gadhinglaj