



**Order Below Exh.60 In R.C.S.No.248/2017**

This is an application made by the plaintiff for comparison of disputed signature of the defendant No.1 with other admitted documents under Section 73 of the Indian Evidence Act. It is contended that defendant No.1 denied his signature on agreement dated 16-12-2003 (Exh.45). The documents like V.P. (Exh.9), W.S and affidavit dated 04-11-2015, application for setting aside No W.S order (Exh.16), application for framing additional issue (Exh.28, application for setting aside no-cross order (Exh.41) and other adjournment applications signed by defendant No.1 are on record. Therefore, it is prayed that in order to ascertaining the disputed signature made by defendant No.1 on agreement (Exh.45) may be compared with other admitted documents available on record.

**02.** Defendant No.1 filed say at Exh. 61 and contended that he has denied the execution of alleged agreement(Exh.45). He has not purchased alleged stamp of Rs.100/- for execution of agreement. Moreover, the plaintiff has closed her evidence and she had an opportunity to prove signatures on alleged agreement. Therefore, at this stage the plaintiff cannot seek the relief as prayed. This application is made to create multiplicity of the proceedings. On these grounds defendant No.1 prayed for rejection of application with costs.

.. 2 ..

**03.** Heard both sides. The plaintiff prayed for comparison of signature of defendant No.1 made on the agreement in question with other admitted documents on record. The provisions under Section 73 of the Indian Evidence Act confers ample power on the Court to compare disputed signature with that of the admitted signature to ascertain whether the disputed signature was made by the party concerned or not. In present suit the plaintiff has closed her evidence. She has examined witnesses on the agreement(Exh.45). Even the plaintiff is signatory of the agreement. As such, the said agreement is proved in accordance with provisions of the Indian Evidence Act. Now the suit is pending for further evidence of defendant. Therefore, at this juncture this court cannot come to any conclusion as to the disputed signature of defendant No.1 made on agreement (Exh.45). The said aspect can be determined at the time of final arguments or delivering judgment. For the aforesaid reasons following order is passed.

**ORDER**

1. The application is filed.
2. No order as to costs.

Date :- 18/01/2022.

(V.V.Khulape)  
Civil Judge Junior Division,  
Kale(Kheriwade).

I Affirm that, the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer	A.V.Chougule
Name of Court	Civil Judge, Junior Division & Judicial Magistrate, First Class, Kale (Kherivade).
Date of Dictation	11/07/2019.
Order signed by the P.O. on	11/07/2019.
Order uploaded on	12/07/2019.