

MHLA110001132012



Order below Exh.272 in RCS No.47/2012

Narsing Vs. Shivraj

By this application defendant No.2 has requested to initiate criminal prosecution against defendant No.3, on the grounds mentioned in the application. The contents of application in short are:- that defendant No.3 has prepared a false and forged agreement to sale dated 09/08/2006 and tried to show that defendant Nos.1 and 2 and Gangadhar agreed to sale area adm.97 R of Gat No.146 situated at village Nagewadi, Tq. Shirur (A.), Dist.Latur to him. That defendant No.3 has falsely mentioned in the said document that the consideration amount of the said land is fixed at Rs.2,20,000/- and thereby got executed false sale deed of the said land in his favour on 20/06/2007. That defendant Nos.1 and 2 had never signed any sale deed that came to be executed in favour of defendant No.3.

2. That plaintiff and defendant No.3, both have prepared forged and false agreement to sale the said land in their favour. That the agreement to sale alleged to be executed in favour plaintiff along with specimen signatures was referred to expert, who has submitted his report contending that the signatures of defendant Nos.1 and 2 appearing on the alleged agreement to sale and the specimen signatures are altogether different. That defendant Nos.1 and 2 after appearing in the Court had informed that they have never appointed advocate Shri C.J.Sabnis and Shri M.K.Walande as their counsel and these facts are noted by this Court by order dated 07/08/2023 passed at **Exh.1**.

3. That advocate Shri C.J.Sabnis and Shri M.K.Walande has forged the signatures of defendant Nos.1 and 2 and tendered their Vakalatnama in the Court. Besides, they have also prepared false and forged address memo and WS of defendant Nos.1 and 2. That since year 2005 defendant No.1 use to sign in english and defendant No.2 puts her thumb impression. However, in the present suit the signature of defendant No.1 is made in Marathi language and same has happened with defendant No.2 also. That both the advocates named above have made false statements before the Court and it is necessary to initiate

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criminal prosecution against the wrongdoers. Hence, the application.

4. Defendant No.3 has filed his say and requested to adopt his say at Exh.252 and Exh.256 as his say on present application. Plaintiff failed to file his say. Perused application and say. Heard learned advocate Shri S.M.Matole for defendant No.2 and Shri C.J.Sabnis for defendant No.3. Both of them have submitted in the line of their application and say respectively. Record shows that plaintiff has filed this suit for specific performance of contract, cancellation of sale deed and perpetual injunction in respect of suit land described in para No.1 of the plaint.

5. Defendant Nos.1 to 3 have filed their WS at Exh.27 and defendant No.3 has filed his additional WS at Exh.27/1 on 17/01/2013. Issues are framed at Exh.57. Plaintiff has examined himself as PW No.1 at Exh.61 and other witnesses on his behalf. Record further shows that the Vakalatnama dated 22/08/2007 for defendant No.2 Smt. Mahananda G. Morkhande is at Exh.21. The Vakalatnama for defendant No.1 is at Exh.25 and it came to be filed on 11/09/2007. Both the Vakalatnamas belong to advocate Shri.C.J.Sabnis, advocate Shri M.K.Walande and others. The address memo of defendant No.2 is at Exh.22 and of defendant No.1 is at Exh.26. The Vakalatnamas and address memos on the above referred exhibits bears signatures of defendant Nos.1 and 2. The affidavit at Exh.28, annexed with the WS of defendant Nos.1 to 3 at Exh.27, is of defendant No.1 and the said affidavit bears his signatures and its contents were affirmed by him before officer of the Court. Learned advocate Shri.M.K.Walande had identified defendant No.1 before officer of the Court.

6. The specimen signatures of defendant No.1 at Exh.89 and defendant No.2 at Exh.90 were obtained in the presence of my learned predecessor on 27/11/2009. Apart from this, similar specimen signature were obtained on the same day in the presence of my learned predecessor. From the contents of present application it seems that defendant No. 2 is contending that neither she nor defendant No.1 had ever appointed advocate Shri C.J.Sabnis and Shri M.K.Walande as their counsel and they have forged their signatures appearing on the Vakalatnama, address memo, WS, affidavit and other documents. However, after verifying the record carefully, it appears that the Vakalatnamas, address memos, WS, affidavit annexed with the WS and

other documents as referred earlier bears the signatures of defendant Nos.1 and 2. Not only this, the specimen signature at Exh.89 and Exh.90 were made by defendant Nos.1 and 2 in the presence of my learned predecessor, who ought to have obtained those signatures after verifying defendant Nos.1 and 2 through their counsel. Therefore, by no stretch of imagination it can be considered that both the advocates have forged the signatures of defendant Nos.1 and 2. The earlier applications filed by defendant Nos.1 and 2 at Exh.246 and Exh.254 raising similar grounds are rejected. I find no substance in this application and pass following order:-

ORDER

1. Application is rejected.
2. No order as to costs.

Date :05/03/2025

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist. Latur.