

ORDER BELOW EXH. 52 IN RCS No. 23/2009

(CNR- MHST-070001522009)

Kalpana Chavan Vs. Sarjerao Chavan

Plaintiff has filed an application to get verified signature of the defendants from the hand writing expert as defendants have denied that, there was their signature on the agreement/ hand loan receipt dated 18/09/2006 in their written statement. Learned advocate of plaintiff has further argued that, signature appearing on the agreement/ hand loan receipt is made by defendants and they are not forged or fabricated signatures therefore, signatures of defendants appearing on the agreement/ hand loan receipt may be verified with the signatures appearing on written statement and vakalatnama by hand writing expert.

2. On the other hand, defendants have filed their say below Exh. 58 stating that, application is not maintainable. Learned advocate of defendants has further submitted that, defendants had not signed on the agreement or hand loan receipt, therefore, there is no reason to get opinion of the hand writing expert, therefore, present application may be rejected.

3. Heard both sides. I must mention here that, in view of section 45 of Indian Evidence Act, court is not under obligation to send each and every document for the opinion of expert as a matter of course. Even as per section 73 of Indian Evidence Act, court can compare the disputed signatures. However, it is required to note here that, application of both these provision may be differed case to case. It is purely depend upon facts of the each case. In the instant case, case of the plaintiff is purely based on the agreement or hand loan receipt as present suit is for recovery of money. Thus, in my opinion, in order to bring an end litigation finally, opinion of hand writing expert is required to be sought. If it is sought, no prejudice would be caused to the defendants. Thus, present application is required to

be allowed. Hence, I pass following order.

ORDER

1. Application is allowed.
2. Signatures of defendants appearing on the agreement/ hand loan receipt dated 18/09/2006 be verified with the signatures appearing on written statement and vakalatnama by hand writing expert.
3. Necessary original documents by keeping xerox copies of it on record, along with true copy of this order and plaint be sent to the hand writing expert.
4. Plaintiff is to incur all the expenses.
5. Issue writ to the hand writing expert office situated at pune.

Date : 15.09.2022

(S. M. Sarode)
Jt.Civil Judge, Jr. Division, Karad.