

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 765 OF 2015**

Sudhir Bhimrao Kulkarni

..Petitioner

Vs.

Nandkumar Bhimrao Kulkarni

..Respondent

Mr. Ajay Joshi for the Petitioner

**CORAM : R. M. SAVANT, J.
DATE : 3rd FEBRUARY, 2015**

P.C.

1 The Writ Jurisdiction of this Court is invoked against the order dated 19-9-2014 passed by the Learned 4th Joint Civil Judge Junior Division, Pandharpur, by which order, the application Exhibit 27 filed by the Defendant for referring the documents filed along with the list at Exhibit 28 to the hand writing expert, came to be rejected.

2 The said documents are relating to partition between the Plaintiff and the Defendant. The Plaintiff had denied his signature on the said document. The Trial Court has rejected the said application Exhibit 27 on the ground that the said documents can be proved by the Defendant by adducing cogent evidence, even though the Plaintiff has denied his signature on the said documents. The Trial Court has further observed that the signature of the Plaintiff upon the said document can be proved by the Defendant by adducing his oral evidence or evidence of other witnesses. The Trial Court in the said

circumstance did not deem it necessary to refer to the signatures on the said document to the hand writing expert.

3 In my view, no exception could be taken to the order passed by the Trial Court rejecting the application Exhibit 27. The Defendant can undoubtedly lead his own evidence and try to prove that the signature on documents in question are those of the Plaintiff. However, if need be the Defendant can renew his application for the documents in question to be referred to the hand writing expert or the Trial Court can also do it if it deems it so appropriate so as to adjudicate the Suit finally and completely. With the aforesaid observations, the Writ Petition is disposed of.

[R.M.SAVANT, J]