

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5790 OF 2015**

Bhirgu Jogardhan

..Petitioner

Vs.

Canara Bank & Ors.

..Respondents

Dr. Pallavi Divekar i/b M/s. Divekar & Co. for the Petitioner

Mrs. Nupur Awasthi i/b Consulta Juris for the Respondent No.1

CORAM : R. M. SAVANT, J.

DATE : 8th OCTOBER, 2015

P.C.

1 The order dated 30-3-2015 rejecting the application Exhibit 26 filed by the Plaintiff to adduce the evidence of the hand writing expert Mr. N. Parekh is taken exception to by way of the above Petition.

2 It is an undisputed position that the opinion of the said hand writing expert is not placed on record and the Petitioner / Plaintiff was seeking to adduce his evidence so as to seek his opinion during the course of such evidence. In my view, since the opinion is not on record, the order passed by the Trial Court could not be found fault with.

3 However, it would be open for the Petitioner to apply to the Trial Court to place the opinion of the said hand writing expert on record and thereafter seek permission to adduce his evidence. If any such application is

filed by the Petitioner, needless to state that the Trial Court would consider the same on its own merits and in accordance with law uninfluenced by the instant order.

4 With the aforesaid observations, the Writ Petition is disposed of.

[R.M.SAVANT, J]

CERTIFICATE

Certified to be true and correct copy of the original signed order