

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.9913 OF 2015

Shri. Madhavrao Ramchandra Kahandal and others .. Petitioners

Versus

Shri. Eknath Ganpat Date

(Since deceased through his legal heirs)

Smt. Sarubai Eknath Date and others

.. Respondents

Mr. R. D. Motkari, for the Petitioners.

CORAM : R.M. SAVANT, J.

DATE : 28th OCTOBER, 2015

PC.

1. The Writ Jurisdiction of this Court is invoked against the order dated 26.08.2015 passed by the Learned Joint Civil Judge Junior Division, Nashik Road, Nashik, by which order the application Exh.86 for referring the disputed documents to the handwriting expert came to be rejected. The said rejection is on two fold grounds, that there is already a handwriting experts opinion on record at Exh.75, and unless the said report is discarded, a fresh handwriting report cannot be called for and the second ground is that the Defendants have yet to lead their evidence and can obviously lead evidence in respect of the said document which they are disputing. In my view, having regard to the said reasons mentioned by

the Trial Court in the impugned order, no case for interference in the Writ Jurisdiction of this Court is made out. The Writ Petition is accordingly dismissed.

[R.M. SAVANT, J]