

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD.

7 WRIT PETITION NO. 9434 OF 2015

NARENDRE SHALIGRAM PATIL  
VERSUS  
YESHAWANT MEGHSHAM MAHAJAN AND OTHERS

...  
Advocate for Petitioner : Mr. Kedar Balbhim R.  
Advocate for Respondent No.1 : Mr. Patil Chandrakant P.

...  
CORAM : R. M. BORDE, J.  
Date: March 07, 2016

...  
PER COURT :-

1 The application tendered by the petitioner requesting the Court to refer the document to the handwriting expert, has been turned down by the Trial Court on the ground that, in the pleading the defendant has not denied the signature on the document. In an application, presented at Exh.32, the defendant No.1 has denied his signature on the document. It is now being contended that, under the erroneous assumption, the written statement was presented and in fact, the document placed on record, does not bear his signature. Prima facie, the order passed by the trial Court at an interlocutory stage does not appear to be erroneous. It would be open for the petitioner to substantiate his contentions by leading appropriate evidence in that regard.

2 Without recording observations as regards case pleaded by the defendant and without going into the merits of the contentions, since it is observed that the challenge raised in the instant petition at interlocutory stage of the proceedings need not be considered, keeping the liberties of the defendant open to raise challenge at an appropriate stage and with liberty to defendant to take appropriate steps in instant suit proceedings to substantiate his stand, the writ petition stands disposed of.

( R. M. BORDE, J. )