

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

WRIT PETITION NO. 2797 OF 2016

Shri Karbasappa Basappa Nasale

... Petitioner

v/s

Shri Veerbhadrappa Basappa Nasale
& ors.

... Respondents

Mr.Milind Deshpande for the petitioner.

Mr.Y.G.Thorat i/by A.B.Tajane for Respondent Nos.1 and 2.

***Coram: N.M. Jamdar, J.
Dated: 19 August 2016***

P.C.:

By this petition, the Petitioner challenges the order dated 11 January 2016 passed below Exh.36 in Regular Civil Suit No.30 of 2010, instituted by the Respondents/Plaintiffs. The Petitioner is aggrieved by the rejection of the application made by the Petitioner for sending the Receipt relied upon by the Respondents/Plaintiffs for opinion of a handwriting expert.

2 Perusal of the impugned order shows that the learned Judge *prima facie* found that, as per the case of the Plaintiffs, the receipt is of no avail to the Plaintiffs as it is not a concluded contract. The

reason *prima facie* given by the learned Judge for not sending the receipt to the handwriting expert is in fact against the Plaintiffs. Therefore, no prejudice can be stated to be caused to the Petitioner to assail the impugned order.

3 The writ petition is accordingly rejected.

(N. M. Jamdar, J.)