

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

WRIT PETITION NO.12170 OF 2015

Mr.Pandurang B. Jadhav ..Petitioner
V/s.
Nava Maharashtra Shikshan
Prasarak Mandal & Ors. .. Respondents

Mr.Swapnil A. Waradkar for the Petitioner.

CORAM : K.K. TATED, J.

DATE : 05th OCTOBER, 2016.

P.C.

1. Heard Mr.Swapnil A. Waradka learned counsel for the petitioner.

2. By this petition under Article 227 of the Constitution of India petitioner is challenging the order dated 22nd January 2013 passed by Joint Charity Commissioner, Kolhapur Region, Kolhapur rejected the petitioner's application marked as Exhibit-28 in Miscellaneous Application No. 27 of 2008 for appointment of hand writing expert for submitting his opinion on some documents. The said application was rejected by Joint Charity Commissioner, Kolhapur, hence, the present Writ Petition.

3. The learned counsel for the petitioner submits that the

Joint Charity Commissioner, Kolhapur come to the conclusion that without having opinion of hand writing expert the matter can be decided on merits. He further submits that even if private hand writing expert is appointed, it would be very difficult for him to collect the specimen signature of Respondent. Hence impugned order passed by the Court is required to be set aside.

4. It is to be noted that if petitioner has to prove forgery then he has to file independent application before the Trial Court allowing them to place on record the hand writing expert's report. In the present proceedings the learned Joint Commissioner rejected the petitioner's application by giving reasoned in paragraph 3 of impugned order. The Joint Charity Commissioner rightly held that considering the main application, the same can be decided without obtaining the opinion of hand writing expert.

5. Considering the submissions made by the learned counsel for the petitioner and the impugned order, I do not find any reason to interfere with the said order passed by the Joint Charity Commissioner. Hence Writ Petition stands rejected.

(K.K. TATED, J.)