

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

WRIT PETITION NO.3566 OF 2016

(Shahid Parvez Khan s/o Late Shehwar Ali Khan ..vs.. Javed Parvez Khan s/o Late Shehwar Ali Khan
and another)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

CORAM : Z.A. HAQ, J.

DATED : 28-07-2016

Heard Shri A.B. Mirza, Advocate for the
petitioner-original defendant No.1.

2. The respondent No.1-original plaintiff has examined Handwriting Expert as his witness in support of the claim of the plaintiff regarding document Exhibit No.100. The defendant No.1 filed an application (Exhibit No.135) contending that the evidence of the Handwriting Expert cannot be taken on the record as there are no pleadings of the plaintiff on the point on which the Handwriting Expert has deposed. The learned trial Judge, by the impugned order, has rejected the application (Exhibit No.135) observing that the right of the defendant No.1 to raise objection that there are no pleadings and necessary party is not impleaded and the other objections raised in the application (Exhibit No.135) are kept open to be considered at appropriate stage. The learned trial Judge has not adjudicated the issue raised by the defendant No.1 in the application

(Exhibit No.135).

3. I find that the impugned order does not cause any prejudice to the petitioner-defendant No.1. The petition is dismissed. No costs.

JUDGE

adgokar

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed Order.

Uploaded by : P.M. Adgokar.

Uploaded on : 29-07-2016.

P.A. to Hon'ble Judge.