

**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY**

BENCH AT AURANGABAD.

WRIT PETITION NO.1439 OF 2015

Govind S/o Laxmanrao Bhujbal ...Petitioner.

Versus

Jilhewar Plantation &
Finance Pvt.Ltd. and
others. ... Respondents.

...

Mr.A.M.Gaikwad, advocate for the petitioner.
Mr.Vivek Bhavthankar, advocate for Respondent
Nos.1 and 2.

...

CORAM : S.V.GANGAPURWALA, J.

Date : 15.12.2017.

PER COURT :

1. The application filed by the petitioner for referring the agreement and promissory note to the hand writing expert is rejected.

2. Heard Mr.Gaikwad, Mr.Bhavthankar, learned counsel for respective parties.

3. It is stated that the plaintiff has not yet been cross-examined. The Court has rejected the application on the ground that it is the plaintiff who has to establish his case and that to prolong the case the instant application is filed.

4. It is correct to say that the plaintiff has to prove his case. The evidence of hand writing expert is a corroborative piece of evidence. May not be the sole basis for adjudicating the case. The plaintiff is not yet cross-examined. After the cross-examination of the plaintiff and its witnesses are over and depending upon the evidence led, the defendant may renew his request for referring the agreement and promissory note to the hand writing expert. In case such an application is filed at that stage, the impugned order would not be an impediment to consider the application afresh on its own merits.

5. With this observation, the Writ

Petition is disposed of. No costs.

(S . V . GANGAPURWALA, J .)

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