

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8265 OF 2017

Sau. Shivkanya Narendra Chippa ...Petitioner

Versus

Bhaskar Sarjerao Pawar and others ...Respondents

...

Mrs. Madhaveshwari D. Thube Mhase, Advocate for
petitioner

...

[CORAM: SUNIL P. DESHMUKH, J.]

Date: 04th July, 2017

ORDER :

1. Heard learned counsel for the petitioner.
2. Learned counsel urges to consider the request made under exhibit-48 in regular civil suit no. 449 of 2008. Said application had been filed by the petitioner/plaintiff for sending documents/agreement dated 14th September, 2005 to the Handwriting Expert for opinion on verification of signature.
3. Learned trial judge, after hearing the parties, declined

the request made under exhibit-48 by petitioner/plaintiff as primarily there is denial of transaction by the defendant right from the inception and the application has been moved at the time of final arguments and trial. Plaintiff can not fill up lacunae by such application.

4. Having regard to section 105 of the Code of Civil Procedure, it does not appear to be a case, whereunder interlude may be caused in the progress of the matter at the stage at which application has been filed. Writ petition, as such, stands rejected keeping in view section 105 of the Code of Civil Procedure and leaving it open to parties to take recourse accordingly.

5. It should be deemed that no observations have been made as to the merits of this case.

[SUNIL P. DESHMUKH, J.]

vdk