

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

WRIT PETITION NO. 11082 OF 2017

AATMARAM TATYASAHEB THAWARE AND OTHERS  
VERSUS  
VALJINATH KISANRAO THAWARE AND ANOTHER

...

Advocate for Petitioners : Shri Salunke V.D..

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**CORAM: RAVINDRA V. GHUGE, J.**  
**DATE :- 12th September, 2017**

**Per Court:**

1           The Petitioners are aggrieved by the order dated 27.06.2017 passed by the Trial Court by which the application Exhibit-88 filed by the Petitioners/ Plaintiffs seeking a reference of the disputed document to the Handwriting Expert by name Mr.Ulhas Athale, has been rejected.

2           Shri Salunke, learned Advocate for the Petitioners, has strenuously criticized the impugned order. He draws my attention to the six grounds formulated by the Petitioners in the memo of the petition. He further submits that though the disputed document was earlier referred to the Handwriting Expert by name Mr.Suresh Katare, the report submitted by him is not acceptable to the Petitioners.

3           Having considered the submissions of the learned Advocate for the Petitioners, I have gone through the petition paper book.

4           It is undisputed that when the disputed document, which is the sale deed, was to be referred to the Handwriting Expert, the name of

the expert Mr.Suresh Katare was suggested by the Plaintiffs. After the Handwriting Expert completed his exercise, he has filed the report before the Court. The Plaintiffs appear to be dissatisfied with the expression of the Handwriting Expert and contend that the same is not admissible and do not agree to the said report.

5           The issue is as to whether, the document is to be referred to the Handwriting Expert as long as all the parties are satisfied. Once the document was referred to the Handwriting Expert, notwithstanding whether, any of the litigating sides would agree to the said report, the option to submit the document to the second Handwriting Expert is not permissible.

6           The Trial Court has observed in the impugned order that the Plaintiffs had submitted the name of the earlier Handwriting Expert and based on the said suggestion, the document was referred and the report dated 06.10.2016 is now on record.

7           Considering the above, I do not find that the impugned order rejecting the request for a reference of the disputed document to the second Handwriting Expert, could be termed as being perverse or erroneous. The Writ Petition being devoid of merit is, therefore, dismissed.