

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

WRIT PETITION NO. 6917 of 2018

Pramod S/o Jaychand Sand
age major occupation business and agriculture
R/o Sand Complex, Ganesh Chowk, Rahata
Taluka Rahata District Ahmednagar.

...Petitioner

VERSUS

1. Rajani W/o Ranjan Khanolkar
age major occupation service
R/o C.B. Wing Hemkunj, Mamledarwadi,
Malad (West), Mumbai – 64
2. Krishna S/o Rajendrajeet Singh (died)
age major occupation business
R/o Safyala Building, infront of Gitanjali,
14-B road, Khar, Mumbai -52
3. Ranjan S/o Dattatraya Khanolkar (died)
age major occupation business
R/o C.B. Wing, Hemkunj, Mamledarwadi,
Malad (West), Mumbai -64

...Respondents

Mr Amol S. Gandhi, Advocate for petitioner

CORAM : SUNIL P. DESHMUKH, J.

DATE : 4th July, 2018

ORDER :

1. Heard learned Counsel for petitioner.
2. Petitioner/defendant No.3 purports to have been

aggrieved by order dated 14th February, 2018 passed by Civil Judge (Junior Division), Rahata, on Exhibit - 319 in Regular Civil Suit No. 29 of 2004. In pending suit since 2004, application Exhibit - 319 is the fourth application for sending documents to the handwriting expert.

3. Learned counsel for petitioner submits that on earlier three occasions, the handwriting experts had not been able to give their opinion for want of contemporary admitted natural signature for comparison. In the circumstances, he submits that the documents require to be sent to private handwriting expert.

4. Although learned counsel for petitioner has submitted as above, it appears that the Trial Court has taken into account that application of same nature at Exhibit - 286 had been moved by the petitioner, which had been granted and the report had been received at Exhibit 312 expressing inability to give opinion for the reasons referred to therein and further that there had been yet attempts by petitioner by filing an application at Exhibit - 314, which had been consented to by the plaintiff. On this occasion as well handwriting expert had submitted similar opinions as the one referred to under Exhibit - 312. The trial court found it difficult to grant the request again being made under Exhibit - 319.

5. Perusal of annexures to writ petition shows that petitioner had also made an attempt under Exhibit - 307 for sending documents to handwriting expert and the same had come back with similar opinions.

6. Apart from aforesaid, regard may also be had to that the matter has been pending since 2004 and there had been direction by this court to dispose of the proceedings at the earliest. As such, it is difficult to consider the request to allow application Exhibit - 319.

7. In the circumstances, no fault can be found with in the impugned order. The writ petition is not entertained and is dismissed.

**(SUNIL P. DESHMUKH)
JUDGE.**

Madkar