

IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION*****WRIT PETITION (ST) NO. 25229 OF 2018****Siddhappa Dhanappa Ligade****..... Petitioner****VERSUS****Bau Vithal Rathod****..... Respondent**

Mr.Ashok B. Tajane for the Petitioner.

CORAM : R.D. DHANUKA, J.**DATE : 16th OCTOBER, 2018****P.C.**

The papers are allowed to be produced at 03.00 p.m.

2. By this petition filed under Article 227 of the Constitution of India, the petitioner has impugned the the order dated 7th February,2018 passed by the learned 5th Joint Civil Judge, Junior Division, Solapur below Ex.58 thereby rejecting the application filed by the petitioner (original plaintiff) for sending the document to handwriting expert on the grounds mentioned in the application.

3. The suit is of the year 2012. The oral evidence is partly recorded. In my view, the petitioner can raise this as one of the ground in the appeal if required to be filed against the final judgment and decree if the same is adverse against the petitioner under section 105 of the Code of Civil Procedure, 1908.

4. I am not inclined to interfere with the impugned order at this

stage. It is made clear that this court has not expressed any views on the merit of the matter.

5. Writ petition is disposed of in the aforesaid terms. No order as to costs.

6. The petitioner is directed to convey this order to the respondent as well as to the learned trial judge for compliance and record.

[R.D. DHANUKA, J.]