

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3938 OF 2019

Balaji Laxmanrao Nalge

...Petitioner

Versus

Gopal Shriram Mahajan (Died through LRs) ...Respondents
& Anr.

.....
Mr. C.V.Thombre, Advocate for the Petitioner.
.....

CORAM : **RAVINDRA V. GHUGE, J.**

DATE : **12-07-2019.**

PER COURT :

01. The petitioner-original plaintiff in R.C.S. No. 4/2009, is aggrieved by the Order dated 25.10.2016 passed by the Trial Court, by which the application Exh. 44 filed by the petitioner seeking production of documents is partly allowed and the forwarding of some handwritten documents to a handwriting expert, has been rejected.

02. I heard the learned Advocate for the petitioner and have gone through the averments set out in the memo of the petition.

03. It requires no debate that an application

seeking production of documents must distinctively identify the documents and must establish a nexus with the proceedings pending **20th Century Fox, Corporation (India) (P) Ltd. V/s F.H.Lala (1974) II LLJ 156(Bom)**. So also, when any document is to be referred to a handwriting expert, there must be specific pleadings to convince the Court that the assistance of the handwriting expert would be necessary.

04. I find from Exh. 44 that the said application is extremely vague and would not call for the Court in passing a specific Order. Nevertheless, the Trial Court has directed the production of the register submitted by Mohammad Sikandar, Bond vendor dated 15.4.2006 and the register submitted by Sambhaji Kalyankar, another Bond vendor dated 13.1.2003 to be produced from the office of the Sub-Registrar, Kandhar.

05. In so far as referring a document to a handwriting expert is concerned, the Trial Court has recorded that the Marathi signature of defendant No. 1 is admitted and therefore, need not be referred to the handwriting expert. However, the defendant No. 1 has not signed on any document in English and there is no such English signature appearing on any document, which could

be referred to the handwriting expert.

06. In view of the above, I do not find that the impugned Order can be termed as perverse or erroneous. Therefore, this petition, being devoid of merit is dismissed.

[RAVINDRA V. GHUGE]

JUDGE

Dahibhate/-