

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 10399 OF 2019**

Mahesh Sambhaji Patil ... Petitioner

V/s.

Sonali Mahesh Patil ... Respondent

Mr. Pradeep J. Thorat a/w. Ms. Aditi Naikare for the Petitioner.

Mr. Jitendra Gaikwad for the Respondent No. 1.

CORAM : SMT. SADHANA S. JADHAV, J

DATED : 18th OCTOBER, 2019.

P.C. :

1. Rule, Rule made returnable forthwith.
2. The impugned order is dated 19th December 2018. The petitioner herein had filed an application seeking liberty to withdraw the evidence closed pursis on the ground that he desired to examine the hand writing expert. Since the wife had denied her hand writing in the diary.
3. Perused the application filed, dated 1st December 2018, in which, the present petitioner had only requested the Court to grant liberty to withdraw the evidence closed pursis, Since he desired to examine the hand writing expert.

4. It appears that in the course of recording of evidence the wife had denied her hand writing sometime in October 2018. There is no application for referring the document to the hand writing expert and has only prayed for re-opening of the evidence for examining hand-writing expert. In the absence of referring the documents to hand writing expert, it would be futile to examine him as a witness. In that eventuality, no fault can be found in the impugned order dated 19th December 2018. In any case, the matter was expedited. It appears that in the earlier proceedings the matter was expedited, in any case. The Petition before the Family Court is of the year 2015. The matter is more than four years old. In view of this, no interference is called for in the impugned order.

5. In view of this, the matter stands dismissed with liberty to the petitioner to file an appropriate application which shall be considered on its own merits by the Family Court. The Writ Petition is disposed of accordingly.

6. Taking into consideration that the Marriage Petitions are of the year 2015. The learned Family Court shall decide the said application within two weeks from the date of filing.

7. It is made clear that the interim relief granted while order dated 24th January 2019 stands vacated. Petition stands disposed of.

8. Rule stands discharged.

(SMT. SADHANA S. JADHAV, J)