

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12962 OF 2016

Dattanand B. Natalkar

.....Petitioner

V/s.

Madhukar Waghadkar

(since deceased) and Ors.

....Respondents

Mr. Bhushan Walimbe, Advocate for the petitioner.

None for the respondents.

CORAM : SANDEEP K. SHINDE, J.

Wednesday, 10th July, 2019.

P.C. :

1. Plaintiff's application for referring the signature of the deceased defendant, Madhukar Waghadkar, to handwriting expert for verification has been dismissed on 28th April 2016, against which the

plaintiff in Regular Civil Suit No. 301 of 1992 has preferred this writ petition.

2. Mr. Walimbe, learned Counsel for the petitioner submits that, Regular Civil Suit No. 301 of 1992 has been dismissed by the trial Court. However, he submits that, he may be granted liberty to challenge the impugned order in the appeal against the decree in the suit. If at all, the impugned order has had bearing over the decision in the suit, petitioner is at liberty to raise the ground in the Memorandum of appeal. Liberty as prayed is granted.

3. Petition is dismissed with liberty granted in aforesaid terms.

(SANDEEP K. SHINDE, J)