

SAS

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11784 OF 2018

Achyut Shridhar Kalele & Ors. ..Petitioners.

V/s.

Sachin Madhukar Joshi & Ors. ..Respondents.

Mr.Vivek N.Biwalkar for the petitioners.

Ms.Sumi Soman I/b. S.C.Legals for the respondents.

CORAM : M.S.SONAK, J.

DATE : APRIL 10, 2019

P.C.:-

Heard Mr.Biwalkar, learned counsel for the petitioners and MsSoman, learned counsel for the respondents.

2. Challenge in the petition is to the order dated August 14, 2018 by which learned trial Judge dismissed the petitioner's application for reference of a Will of the year 2012 to the handwriting expert for determining the signature on the Will is indeed of the deceased person.

3. The record indicates that the said application was made at a belated stage and that too by seeking to verify the signature by comparison to a document of the year 1959 in support, what was produced was a photocopy of the document issued in the year 1959. In

such circumstances, it cannot be said that the impugned order is not in excess of jurisdiction or otherwise warrants interference.

4. The impugned order will not preclude the petitioners from examining some expert or examining any witness in relation to the Will in question. All contentions of the petitioners in this regard are, therefore, kept open.

5. The petition is, therefore, dismissed with liberty as aforesaid. There shall be no order as to costs.

6. All concerned to act on the basis of an authenticated copy of this order.

(M.S.SONAK, J.)