

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3571/2016

Smt. Ushabai Wd/o Rambhauji Lonkar and others
Vs.
Smt. Nirmala w/o Gyanchandji Malu

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri S.A.Puranik, Advocate with Advocate N.S.Khandewale
for petitioners.
Shri A.J.Thakkar, Advocate for respondent sole.

CORAM : A.S.CHANDURKAR, J.
DATED : June 21, 2019

Heard learned counsel for the parties.

The challenge in the present writ petition is to the orders passed by the trial Court below Exhibits 123 and 125 which applications were filed by the original plaintiffs. By the order passed below Exhibit 123 the request for exhibiting the receipt dated 29.02.1984 has not been accepted. By the application below Exhibit 125, the trial Court has refused to send the receipt to an handwriting expert.

The trial Court has observed that the receipt dated 29.02.1984 was not referred to the witness - Laxman Domaji Dhoke either in his examination-in-chief or during his cross-examination. It is further noted that though the said witness was cross-examined on 27.02.2015, the application at Exhibit 123 for exhibiting the document was filed only on

02.12.2015. The request for sending the document to a handwriting expert was made at the stage of final arguments in the suit. These reasons that have weighed the trial Court while passing the impugned orders appear to be reasonable in the facts of the case. No interference in writ jurisdiction is warranted especially when the suit is being finally heard. The writ petition is therefore dismissed. No costs.

Proceedings in R.C.S.No. 37/2010 are expedited.

JUDGE

Andurkar.