

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.5004 OF 2022

VYANKAT ANKUSH SHELKE
VERSUS
ANKUSH PUNDLIK SHELKE AND OTHERS

...
Advocate for Petitioner : Mr. Kishor T. Shirrurkar

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 3rd October, 2022

PER COURT :-

1. The petitioner is aggrieved by the order dated 23-11-2021 passed by the learned Civil Judge, Senior Division, Ahmedpur, District Latur below Exhibit-50 in Special Civil Suit No.7/2016.
2. The suit is filed by the petitioner/plaintiff for partition and separate possession of the suit properties and declaration that, sale deeds mentioned in the plaint be declared as null and void and not binding upon the plaintiff.
3. The plaintiff thereafter filed present application Exhibit-50 seeking a relief to send compromise deed to seek opinion of handwriting experts on the ground that plaintiff no.2 and defendant no.1 have not signed on the said compromise deed.

4. The Trial Court has rejected the application observing that, plaintiff is yet to begin his evidence. If during his evidence, it is brought on record that, signatures on the compromise deed are false and forged, then the same can be referred to the handwriting experts for comparing with admitted signatures. At this stage, application need not be allowed.

5. Having heard the learned Advocate for the petitioner and considering the reasons assigned by the Trial Court and the fact that the Trial Court has kept the option of sending the documents to the handwriting experts open, after conclusion of evidence of plaintiff, this Court is not inclined to interfere in the impugned order. There is no merit in the challenge raised in the writ petition. The writ petition is therefore dismissed.

[NITIN B. SURYAWANSHI, J.]

Sameer