

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

930 WRIT PETITION NO.12850 OF 2019

**SHESHRAO BALASAHEB GHOGARE AND ANOTHER
VERSUS
BALASAHEB AMBADAS GHOGARE AND OTHERS**

...
Advocate for Petitioners : Mr. Vijay G. Sakolkar
Advocate for Respondent Nos.4 to 6 : Mr. S.S. Panale

...

**CORAM : SHARMILA U. DESHMUKH, J.
DATE : 06-01-2023**

PER COURT :

. The petitioners are aggrieved by the order dated 06.02.2019 passed by the 7th Jt. Civil Judge Senior Division, Latur whereby the application for sending the specimen signature of the respondent no.1 and the thumb impression of respondent no.2 to the Government State Examiner has been rejected on the ground that the documents during the relevant period containing the signatures and the thumb impressions are unavailable for being sent to the State Examiner.

2. Heard the learned counsel appearing for the parties.

3. Learned counsel for the petitioners submits that the Trial Court by its earlier order passed below Exh.87 had permitted the specimen signature and the thumb impression to be sent for examination to the State Examiner and the State Examiner cannot

now decline to submit his opinion on the ground that the original document has not been sent and instead a photo copy has been sent.

4. The State Examiner by communication dated 13.06.2018 has opined that for submitting a report pertaining to the authenticity of the signature the original document is required and the State Examiner has also sought about 25 to 30 specimen signatures of the concerned persons, which have been affixed on documents as well as the signatures which might be affixed on documents during the relevant period. As the petitioners were unable to comply with these requirements, the application below Exh.99 came to be rejected.

5. I am not inclined to interfere with the order rejecting the application for the reason that it is for the expert to determine the requirements on the basis of which the expert will be able to submit his report. Without the requirements explicitly set out in the communication dated 13.06.2018 being complied, if the expert is called upon to submit his opinion, there is every likelihood of an erroneous opinion being submitted, which would, instead of assisting the Court, result into further complication.

6. Learned counsel for the petitioners submits that the

communication dated 13.06.2018 is only as regards the specimen signatures and there is nothing which would prevent the State Examiner to consider the thumb impression of the respondent no.2 as it is his contention that the thumb impression does not change. This Court in exercise of powers under Article 227 of Constitution of India is not in a position to decide as to whether the thumb impression of a person changes over a period of time and it is only for the State Examiner who is expert in his own field to determine the question.

7. Considering the above, there is no merit in the petition and the same is dismissed.

(SHARMILA U. DESHMUKH, J.)

GGP