



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH : NAGPUR**

**WRIT PETITION NO.8561 OF 2022**

**Tushar Ghanshyam Chaudhari .Vs. Chetan S/o Pramodrao Chimote**

Office Notes, Office Memoranda of  
Coram, appearances, Court's Orders  
or directions and Registrar's order

Court's or Judge's Order

Shri A.D. Girdekar, Advocate for petitioner.

Ms Aastha Sharma, Advocate for respondent.

**CORAM : ANIL S. KILOR, J.**

**DATED : 23/08/2023**

1. Heard.
2. The application for referring the document i.e. the agreement to the handwriting expert for opinion was rejected earlier, vide order dated 15.10.2019 and the same was the subject matter of the writ petition No.183 of 2020. This Court while disposing of the said writ petition has observed thus:

*"1. This matter was heard for some time.*

*2.Considering that the trial Court has noted in the impugned order dated 15.10.2019, that the application Exh. 73 is vague, ambiguous and does not make out a proper meaning, the learned Advocate for the petitioner – original defendant in Regular Civil Suit 422/2014, submits that this petition may be permitted to be withdrawn, as the petitioner would prefer a properly drafted application to the trial Court setting out the specific documents and the handwriting and signatures to be referred to the handwriting expert.*

*3. In view of the above, this petition is disposed off as withdrawn. In the event, the petitioner prefers an application as stated above, the trial Court will consider the same after hearing all the parties, on its own merits."*

3. Thereafter, the petitioner moved another application, in view of the observations made in the order dated 24.01.2020, with similar prayer. The same came to be dismissed vide impugned order dated 01.09.2022, which is the subject matter of the present writ petition.

4. The learned trial Court has recorded the finding that the second application is replica of earlier application. The learned trial Court while rejecting the application, has observed thus:

*“5. Upon perusal of record, it reveals that the defendant had filed an application at Exh.73 for seeking permission to obtain the report of Handwriting Expert in respect of signature on Issarchitthi at Exh.37. Learned predecessor has decided the application and rejected the application for permission for seeking opinion of Handwriting Expert of two fold ground, first unexplained delay for filing explanation for report of Handwriting Expert and second vague prayer about calling of report of Handwriting Expert. On the consideration of the order below Exh.73, I have carefully scrutinized of application at Exh.73 and present application. The present application is replica of an application at Exh.73. Defendant had not given any explanation about non filing of application at earlier stage. Moreover, the defendant has not given appropriate explanation about prayer made in present application. It is specifically observed in order at Exh.73 though the title of the application indicates that defendants wants to seek permission for obtaining report, opinion of Handwriting Expert, but prayer of the application is for granting permission to the plaintiff for calling the report. In present application, defendant has made same prayer as “permit the plaintiff to obtain the report of Handwriting Exper”. If the defendant has come with specific case that Issarchitthi is false and fabricated document and it does not bear the signature of his father, the defendant ought to have asked for seeking permission to obtain report of*

*Handwriting Expert on his own. Here the defendant is trying to push his responsibility upon the plaintiff. The defendant has made vague prayer despite of specific observation in order at Exh.73. It shows that the defendant has filed this application only with intention to prolong the matter, the application is devoid on merits.”*

5. In the circumstances, I do not find any error committed by the learned trial Court.

Accordingly, the writ petition is **dismissed**.

**JUDGE**