



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH: NAGPUR
WRIT PETITION NO. 2964 OF 2024**

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|----|-----------------------------------|----------------|
| 1. | Abrar Ahamad s/o. Shaikh
Momin | |
| 2. | Sau. Aisha A.Momin | ...Petitioners |
| | Versus | |
| 1. | Abdul Gani S/o. Shaikh
Daud | |
| 2. | Mohammad Imran Abdul Gani | |
| 3. | Sunil M. Innani | |
| 4. | Pankaj U. Ade | |
| 5. | Khurshid Asif Patel | |
| 6. | Suresh N. Sawang | ...Respondents |

Mr. C.A. Joshi for the Petitioners.

CORAM : N. R. BORKAR, J.
DATE : 04 JULY 2024.

PC:-

. This petition takes exception to the order dated 4.3.2024 passed by 6th Jt. Civil Judge (Sr. Division), Akola below Exhibits-85 and 86 in Special Civil Suit No. 38 of 2016.

2. The respondent No.1 herein/original plaintiff has filed the suit for declaration and cancellation of the document. The dispute between the parties is in relation to power of attorney dated 10/08/2010, which according to the respondent No.1 is forged document. As the petitioners/defendants have not produced the said power of attorney on record, the trial Court

by the orders impugned, has directed the concerned Sub-Registrar to produce relevant record in relation to power of attorney in question and has also allowed the application of respondent No.1 for appointment of handwriting expert as Court Commissioner.

3. The learned counsel for the petitioners submits that opinion of handwriting expert is already there on record and therefore, the trial Court ought not to have allowed the applications at Exhibits-85 and 86.

4. I have perused the impugned orders. The opinion which is there on record appears to be based on photocopy of the document in question. In that view of the matter, I am not inclined to interfere with the impugned order. The writ petition is dismissed.

5. Pending Application(s), if any, are disposed of.

(N.R. BORKAR, J.)