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

929 WRIT PETITION NO. 4672 OF 2020

**MAHMDAPUR VIVIDH KARYAKARI SEVA SAHAKARI SOCIETY
LTD. MAHAMADAPUR, TQ & DIST. LATUR, THROUGH ITS
SECRETARY**

VERSUS

**1. CHANDRAKANT VITHALRAO DUDILE
2. THE LATUR DISTRICT CENTRAL COOPERATIVE BANK LTD.,
LATUR, BRANCH MAHAMDAPUR, TQ. & DIST. LATUR THR. ITS
MANAGER**

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Mr V. D. Gunale, Advocate for the petitioner

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 6th May, 2025

PER COURT :

1. Heard Advocate Mr Gunale, learned counsel for the petitioner.

2. By way of the instant petition, challenge is raised to the judgment and order dated 10/12/2018, passed by the learned Member, Maharashtra State Cooperative Appellate Court, Aurangabad, in Revision No.31/2018, upholding the order dated 13/08/2018, passed by the Cooperative Court, Latur on application at Exhibit 92 in Dispute

No.416/2014, by which, the application filed by the borrower (respondent No.1 herein) for sending documents to the handwriting expert, is allowed.

3. By the impugned order passed by the Cooperative Court, the suspected documents are ordered to be sent to the Central Forensic Science Laboratory, Kharadi, Pune for obtaining handwriting expert's opinion on the prescribed fees being directed to be paid by the disputant/borrower. After this order was challenged before the Cooperative Appellate Court, Aurangabad, the same is upheld, observing that, in view of the earlier opinion of the handwriting expert being inconclusive, it was desirable for obtaining opinion of another handwriting expert. Since the earlier opinion was not helpful to any of the parties, it is also specifically noted that in view of the controversy involved in the dispute, fresh opinion of the handwriting expert would be necessary.

4. Advocate Gunale, learned counsel for the petitioner submits that the impugned orders are unsustainable since the opinion of the handwriting expert was earlier obtained and the handwriting expert was also cross-examined. He submits that the evidence of first handwriting

expert was on record and even though the opinion was inconclusive, the disputant cannot be permitted to again and again apply for appointment of another handwriting expert.

5. Considering the controversy involved in the matter, it appears that the stand of the disputant is that the documents alleged to be related to advancement of loan to the disputant are forged and the disputant is not liable to pay any amount towards any loan transaction. Although handwriting expert was appointed earlier, however, his opinion was inconclusive, resultantly, nothing was established. In these circumstances, a request for appointment of the Government approved handwriting expert appears to be just and proper. The appointment of Central Forensic Science Laboratory, Kharadi, Pune as ordered by the Cooperative Court, Latur considering the facts of the instant case, appears to be just and proper for effective and complete adjudication of the controversy.

6. It has to be noted that the prescribed fees of the concerned authority is directed to be paid by the disputant and no prejudice would be caused to the opponent (petitioner/society) if handwriting expert's opinion is obtained.

7. Since the impugned orders passed by the Cooperative Court as well as the Cooperative Appellate Court are well reasoned after considering the contentions of both the parties, I find no perversity in the impugned orders. Writ Petition is, therefore, dismissed.

(PRAFULLA S. KHUBALKAR, J.)