



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

**WRIT PETITION NO. 940 OF 2025**

Chandibai w/o Seva Pawar and others

.. Petitioners

Versus

Kanibai @ Yamunabai w/o Vitthal Pawar  
and others

.. Respondents

Mr. Anil B. Rathod, Advocate for the Petitioners.

Mr. Deepak D. Choudhari, Advocate for Respondent Nos. 1-1 to 1-4  
& 2.

**CORAM : KISHORE C. SANT, J.**

**DATED : 30<sup>th</sup> JANUARY, 2025.**

**P C. :-**

. Heard the parties for some time.

2. By way of impugned order the learned Trial Judge i.e. Civil Judge Junior Division, Khultabad rejected an application of the present petitioners – original defendants in R.C.S. No. 86/2017. The petitioners had prayed for sending the document to the handwriting expert to ascertain the thumb impression on the document alleged in consent deed. The learned Trial Court after hearing the parties held that, it was open for the defendants – present petitioners to prove the document on record. Without proving the document the defendants want to take expert opinion about the thumb impression on the

document. The defendants have already examined one witness at Exh. 95 who has denied the thumb impression. Mere denial of the thumb impression by the plaintiff will not give rise to send the document to handwriting expert.

3. The learned advocate for the petitioners vehemently argued that, in the facts of the case it was very much necessary to refer the document to the handwriting expert. The learned Trial Court has failed to appreciate this aspect and has committed illegality by passing the impugned order. He thus prays for quashing and setting aside the impugned order.

4. The learned advocate for the respondents who appears suo motu submits that, the suit is of the year 2017. Now the evidence of both the sides is over. For the first time such application is filed only to prolong the proceedings of the suit. He further submits that, the learned Trial Court has rightly passed the order by considering this position. He thus prays for rejection of the writ petition.

5. At this stage, learned advocate for the petitioners relies upon the judgment of Telangana High Court in the case of **Badavath Srinivas s/o Venkat Ram Vs. Ratnavath Gopa s/o Bansi** in Civil Revision Petition No. 2471/2023.

6. This Court does not find that the said judgment is applicable to the facts of the present case. So, this Court does not find any substance in the writ petition. Therefore, writ petition stands dismissed. No order as to costs.

( KISHORE C. SANT, J. )

PS.B.