



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

952 WRIT PETITION NO. 15555 OF 2023

Shabbir Chhannubhai Shaikh

... Petitioner

VERSUS

Javed Usman Pathan And Another

... Respondents

.....

Mr. Kale Pratiksha Chhaburao, Advocate for the Petitioner

Mr. S. R. Wakale, Advocate for Respondent No.1

Ms. Karsihma S. Sarin, Advocate for Respondent No.2

.....

CORAM : NEERAJ P. DHOTE, J.

DATE : 19.11.2025

PER COURT :

1. Heard the learned Advocate for the Petitioner, learned Advocate for Respondent No.1 and the learned Advocate for Respondent No.2. Perused the impugned order.

2. The Petitioner is the Original Defendant No.2 in Special Civil Suit No.89/2017 filed by Respondent No.1 before the learned Civil Judge, Senior Division, Ahmednagar, under Sections 34 and 38 of the Specific Relief Act, 1963. In the said Suit, the present Petitioner filed an Application below Exhibit – 59 to refer the Agreement to Sell and the Sale Deed relied upon by the Plaintiff to the expert for opinion. The said Application came to be rejected by the impugned order dated 13/10/2023. The learned Trial Court

observed that, it can very well verify and compare the signatures and the thumb impression of Defendant No.1 on the documents and therefore, did not find it necessary to refer the documents for experts opinion. It is needless to say that, the Court is empowered to compare the same. The expert's opinion is just to aid the Court in the decision-making process. The learned Trial Court in its discretion found not necessary to accept the prayer for referring the documents for expert opinion. No fault can be found with the impugned order and thus no interference is called for. Hence, I proceed to pass the following order:

ORDER

[I] Writ Petition stands dismissed.

[NEERAJ P. DHOTE, J.]

Sameer/November-2025