



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 1633 OF 2025

(Ram s/o Mangharam Kodwani Vs. Bajrang s/o Mangharam Kodwani)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. Prashant Gode, Counsel for the petitioner.

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CORAM : ANIL L. PANSARE, J.
APRIL 1, 2025

The challenge is to order dated 4/2/2025 passed below Exh. 304 by the Joint Civil Judge Senior Division, Gondia, in Special Civil Suit No. 70074/2011, thereby rejecting the request made by the petitioner – original defendant to appoint another handwriting expert.

2] Having heard the learned Counsel for the petitioner and having gone through the impugned order, it appears that the parties to the suit have jointly consented to appoint handwriting expert to verify the signature of the petitioner, which appeared on agreement to sell under question. As such, both the parties were willing to appoint handwriting expert, the petitioner, however, insisted for appointment of Government handwriting expert, and accordingly, the same was appointed.

3] The handwriting report was received on 20/9/2023. The parties adduced evidence. The respondent – original plaintiff examined handwriting expert on 4/1/2025. The petitioner cross-examined the

witness in depth and thereafter preferred an application to appoint another handwriting expert.

4] Thus, it is evident that after cross-examining the earlier handwriting expert, the petitioner filed application to appoint another handwriting expert, may be because he failed to get expected answers from the witness.

5] The trial Court noted that the petitioner failed to take immediate steps as regards appointment of another handwriting expert. He made application only after cross-examining the handwriting expert, which was appointed by consent. The Court accordingly noted that no ground is made out for appointing another handwriting expert.

6] This approach appears to be in consonance with the material placed before the trial Court. No interference is called for in jurisdiction under Article 227 of the Constitution of India.

7] The petition is dismissed in *limine*. No costs.

(ANIL L. PANSARE, J.)

Sumit