

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8488 OF 2025

Ashok Mahalingappa Baware Died Thr Lrs Vardawani Alias Urmila
Ashok Baware And Others

VERSUS

Pramod Mahalingappa Baware And Another

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Advocate for the Petitioners : Mr. Nirmal Ramchandra J.
Advocate for Respondent No.1 : Mr. A.R. Joshi & Mr. B.A. Panchal
Advocate for Respondent No.2 : Mr. Jadhav Hanumant P

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CORAM : S. G. CHAPALGAONKAR, J.

DATED : JANUARY 20, 2026

PER COURT :-

1. Heard.
2. Present petition takes exception to order dated 02.05.2025 passed below Exhibit-103 by Joint Civil Judge Senior Division, Ambejogai in Special Civil Suit No.10 of 2013, whereby application below Exhibit-103 praying for direction to plaintiff to comply directions of Trial Court under order passed below Exhibit 95 and 99 is rejected.
3. The petitioners are original defendants in Special Civil Suit No.10 of 2013. The suit was instituted with prayers for declaration and injunction. It appears that defendant nos.1 to 3 filed an application below Exhibit-95 for sending partition deed to handwriting expert. The said application was allowed and partition deed at Exhibit-67 was referred to handwriting expert along with

specimen signatures of plaintiff. Thereafter, defendants filed an application below Exhibit-99 seeking direction against plaintiff to furnish specimen of his natural handwriting. The said application is also allowed on 27.09.2019. On 28.02.2020, the handwriting expert communicated to Trial Court that specimen of handwriting for corresponding period from concerned person is needed for comparison of partition deed. In pursuance to said communication, defendant nos.1 to 3 filed present application below Exhibit-103 seeking direction against plaintiff to comply with directions under order passed below Exhibit-95 and 99. However, Trial Court rejected said application.

4. Mr. Nirmal, learned advocate appearing for petitioners would submit that in view of specific direction to plaintiff under order passed below Exhibit-99, it was necessary for him to provide specimen of his handwriting. The handwriting expert is not in a position to furnish his report for want of specimen as discernible from communication dated 28.02.2020.

5. Mr. Joshi, learned advocate appearing for respondent/plaintiff, on instructions, submits that specimen handwriting of plaintiff is already furnished in compliance with order passed below Exhibit-99. He submits that specimen handwriting for corresponding period when partition deed is executed is not available and therefore, plaintiff is not in a position to provide the same. The

Trial Judge has recorded aforesaid contentions in impugned order and therefore, rejected the application.

6. In light of aforesaid submissions, it is apparent that plaintiff has already provided specimen of his handwriting as per order dated 27.09.2019 passed below Exhibit-99. He candidly says that he did not have any document to show his handwriting for corresponding period of 1991 and therefore, the Trial Court refused to entertain the application.

7. In view of specific statement made by learned advocate Mr. Joshi that handwriting specimen of plaintiff is already submitted, there is no substance in writ petition. Writ Petition stands dismissed.

8. The Trial Court may secure report of handwriting expert on basis of specimen handwriting which is already supplied by plaintiff.

(S.G. CHAPALGAONKAR, J.)