

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 16904 OF 2025**

Pandurang Ramchandra Shevale and Anr ..Petitioners  
**Versus**  
Ashok Ramchandra Shevale & Ors ...Respondents

Mr. Nachiket Khaladkar, for the Petitioners.

**CORAM: N. J. JAMADAR, J.**  
**DATE : 20<sup>th</sup> JANUARY 2026**

**ORAL ORDER:**

1. Heard the learned Counsel for the Petitioner.
2. The challenge in this Petition is to an order dated 18<sup>th</sup> August 2025 passed by the learned District Judge, Pune. The learned District Judge has rejected an Application preferred by the Petitioners-Appellants to refer the Will for the opinion of handwriting expert.
3. The Petitioners have preferred an Appeal against a judgment and decree passed by the trial Court in RCS No. 4522 of 2012 dated 22<sup>nd</sup> April 2014.
4. By the said judgment the learned Civil Judge has returned a finding that the Will executed by Laxman Shankar Shevale, dated 9<sup>th</sup>

August 1996 is valid and, conversely, the Will dated 1<sup>st</sup> August 1989 propounded by the Appellants is illegal and void.

5. The Petitioner preferred an Application to send the said Will dated 9<sup>th</sup> August 1996 for the opinion of the handwriting expert with the contention that the signature of the testator thereon is forged and fabricated.

6. By the impugned order, the learned District Judge was persuaded to reject the Application as there was no whisper about the signature of the testator on the Will dated 9<sup>th</sup> August 1996 being forged and fabricated. It was further recorded that one of the Defendant's witness has admitted, during the course of cross-examination, that the signature on the Will dated 9<sup>th</sup> August 1996 was that of the testator.

7. Since the ground of challenge to the signature of the testator on the Will was not raised before the trial Court and no prayer for sending the Will for the opinion of the handwriting expert was made before the trial Court, the learned District Judge was well within his rights in rejecting the application.

8. The view recorded by the learned District Judge is impeccable. Not only the Appellants did not make any effort to refer the Will for the opinion of the handwriting expert, during the course of the trial, but there was also no challenge to the Will on the ground that the signature of the testator thereon was forged and fabricated.

9. In these circumstances, no case for exercise of jurisdiction under Order 41 Rule 27 of the Code of Civil Procedure, 1908 was made out.
10. Resultantly, there is no substance in the Petition.
11. The Writ Petition stands dismissed.

[N. J. JAMADAR, J.]