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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5080 OF 2019**

Smt. Kalpana Dilip Chudiwal ... Petitioner
Vs.
Hajrabi Md. Shaikh Shabbir ... Respondents
Shaikh and Others

Mr. Abhijeet A.Joshi a/w. Mr. Namit V. Loya for the Petitioner.

CORAM : GAURI GODSE, J.

DATE : 8th MAY 2026

ORDER :

1. Learned counsel for the petitioner seeks extension of time to carry out amendment as per order dated 20th March 2025. Leave granted. Amendment to be carried out forthwith in the court.

2. Since the pages of the impugned order are missing from the petition, a copy of the petition compilation alongwith the impugned order is tendered and taken on record.

3. This petition is filed by the plaintiff to challenge the order passed by the trial court rejecting his application for referring the documents to handwriting expert. The

impugned order is purely an interlocutory order which in no manner affects the rights of the parties, as a party is entitled to lead its own evidence.

4. Normally, court should be very slow in interfering with such an interlocutory order in its discretionary jurisdiction under Article 227 of the Constitution of India. Moreover, in view of Section 105 of the Code of Civil Procedure, 1908 (“CPC”) the impugned order can always be challenged in an appeal against the decree which may be passed in the suit, in the event the decree is adverse to the petitioners.

5. Subject to the aforesaid observations, the petition is rejected while keeping rights and contentions of the parties in the suit open.

[GAURI GODSE, J.]