

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

S.B. Civil Writ Petition No. 3505/2026

Radhakishan Mali S/o Shri Dalchand Mali, Aged About 77 Years,
Resident Of Near House Of Vaktawarlal, Above Shri Ram Service
Center, R.M.V. Road, Suraj Pol, Udaipur (Raj.)

-----Petitioner

Versus

1. Smt. Sumitra W/o Shri Udailal, Resident Of 808, Sector
No. 9, Udaipur (Raj.)
2. Smt. Maya W/o Shri Dinesh @ Dinkar Mali, Resident Of
91, Ganesh Nagar, Pahada, University Road, Udaipur
(Raj.)
3. Smt. Devkanya W/o Shri Jagdish Mali, Resident Of 4,
Bada Bhaiwada, Udaipur (Raj.)

-----Respondents

For Petitioner(s) : Mr. Prashant Tatia

For Respondent(s) : -

HON'BLE MR. JUSTICE MUKESH RAJPUROHIT

Order

24/02/2026

1. Learned counsel for the petitioner submitted that during pendency of the suit, the petitioner preferred an application under Section 45 of the Indian Evidence Act for sending the original will to FSL for obtaining opinion of the fingerprint expert but the same was rejected by the learned trial Court.

2. It is submitted that the trial Court committed an error in refusing to permit expert examination of the disputed Will dated 12.10.2011, notwithstanding the existence of two conflicting Wills. The trial Court's conclusion that the genuineness of the Will could be determined solely through oral evidence and cross-examination

is misplaced, as verification of thumb impressions and signatures is a technical matter that necessitates expert opinion.

3. The matter requires consideration.

4. Issue notice. Issue notice of stay application also, returnable within a period of six weeks.

5. In the meanwhile, further proceedings in Civil Suit No.207/2018 titled as "Smt. Sumitra & Ors. Vs. Radhakishan" pending before the learned Additional District Judge No.3, Udaiur shall remain stayed.

(MUKESH RAJPUROHIT),J