

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21035 of 2014

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Savitri Devi

.... Petitioner/s

Versus

Pavitri Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Kamlesh Kumar Sharma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 18-12-2015 Heard the learned counsel for the petitioner and the learned senior counsel, Mr. A.B. Ojha, on behalf of the respondent.

It appears that by Order dated 02.06.2014, the Court below appointed Fatima Sahiba as expert for comparison of the disputed signature / finger print.

The defendant petitioner filed application and submitted that instead of sending the signature / thumb impression to Fatima Sahiba, some other expert may be appointed as Fatima Sahiba is in collusion with the plaintiff.

The learned Court below by the impugned order has stated that the expert has been appointed by the Order dated 02.06.2014 and the said order was not challenged by the defendant. So far the report of expert is concerned, if it will go against the petitioner, he may file objection to the same and accordingly rejected the said application.

Perused the order passed by the Court below. It appears that only on the basis of apprehension, only the petitioner is praying for changing the expert. However, the original order dated 02.06.2014 has not been challenged. In such circumstances, the order passed by the Court below cannot be said to be either contrary to law or it has occasioned any failure of justice. Accordingly, the order cannot be interfered with in supervisory jurisdiction. Thus, this writ application is dismissed.

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(Mungeshwar Sahoo, J)

Sanjeev/-

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