

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8682 of 2011

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1. Most.Phulmanti Devi widow of Rambharat Singh.
2. Mani Kant.
3. Shashikant nos. 2 and 3 both minor S/O Late Rambharat Singh, Under
The Guardianship Of Their Mother Namely Most. Phulmati Devi R/O
Village- Porayee Jalalpur, Police Station- Harnaut, District- Nalanda
..... Petitioner/s

Versus

1. Rukmini Devi widow of Lala Prasad
2. Shankar Sao.
3. Arjun Sao.
4. Deonarayan.
5. Bajrangi.
6. Shrawan Sao no. 2 to 6 all sons of late Lala Prasad and all R/O
Village- Sabanhua Bazar, Post Office And Police Station- Harnaut,
District- Nalanda.

... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Khatim Reza

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL ORDER

4 01-09-2015 Heard Mr. Khatim Reza, the learned counsel
appearing on behalf of the petitioners and Mr. Lakmesh Marvind,
the learned counsel appearing on behalf of the respondents. By
earlier order dated 08.12.2011, the notice was issued to the
respondents in the admission matter.

The learned counsel for the petitioners has submitted



that by the impugned order, the learned court below has directed for comparison of the signature of Ram Bharat Singh appearing on the disputed document i.e. agreement for sale dated 06.10.1980 with the same appearing on the sale deed dated 03.10.1980 executed in favour of said Ram Bharat Singh but the fact has been ignored that on the sale deed dated 03.10.1980, there is no signature/LTI of Ram Bharat Singh as he was only a purchaser in that sale deed and according to the relevant rules at that time, the signature/LTI of the purchaser was not warranted on the document of sale. It has been thus canvassed that the impugned order will not lead to anywhere but the learned court below without taking into notice this fact has passed the order for comparison of the signature/LTI on agreement for sale dated 06.10.1980 with the signature/LTI appearing on the sale deed dated 03.10.1980.

Mr. Lakmesh Marvind, the learned counsel for the respondents, in reply, has contended that the sale deed dated 03.10.1980 bears LTI/signature of Ram Bharat Singh and, therefore, there is no defect in the impugned order for the said reason. It has also been submitted that the matter is being delayed on this ground alone.

After considering the submissions and the facts and circumstances of this case, it is apparent that in his petition



praying for verification of the signature appearing on the disputed document dated 06.10.1980 through handwriting expert, the plaintiff has not pointed out the document bearing the signature with which the disputed signature is to be compared. It also does not appear that the defendant-petitioner who was heard, had also pointed out the said fact to the court that on the document i.e. sale deed dated 03.10.1980, the signature /LTI of Ram Bharat Singh was not present. In this view of the matter, this Court, without interfering with the impugned order, grants liberty to the petitioners to file appropriate petition for recall/review/modify of the impugned order on the basis that the document (sale deed) dated 03.10.1980 does not bear the signature/LTI of Ram Bharat Singh and, therefore, the direction for comparison of the signature/LTI on the disputed document dated 06.10.1980 with the admitted document i.e. sale deed dated 03.10.1980 shall be an exercise in futility.

This writ application is accordingly disposed of with the aforesaid liberty.

The learned counsel for the plaintiff-respondents at this juncture has submitted that the matter has already been delayed and therefore a direction be issued for expeditious disposal of the pending petition.

The learned court below is directed to avoid unnecessary adjournment to the parties and proceed with the matter expeditiously.

(V. Nath, J)

Devendra/-

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