

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17225 of 2014

- =====
1. Chandrika Singh Son of Late Ramasis Mahton
 2. Kailash Singh Son of Late Dwarika Singh
 3. Rajesh Kumar Singh @ Rajesh Kumar Son of Late Suresh Singh
 4. Kunnu Kumar Singh Son of Late Suresh Kumar Singh
 5. Rabindra Singh Son of Late Dwarika Singh
 6. Upendra Singh @ Devendra Singh Son of Late Dwarika Singh
 7. Nagendra Singh @ Nagendra Prasad Singh @ Sri Ratendra Singh Son of Late Dwarika Singh
 8. Sambriti Devi Wife of Late Baikunth Singh
 9. Lallu Prasad Singh Son of Late Baikunth Singh
 10. Sudhir Singh Son of Late Baikunth Singh All resident of Village - Rukunpura, Bailey Road, P.S. - Rupaspur, District - Patna (Bihar).

.... **Petitioners.**

Versus

1. Kumar Sahkari Grih Nirman Samittee Limited, Patna through the Secretary Sri Lallan Singh Son of Sri Gulzar Singh Having its Officer at Tapeswar Nagar, P.S. - Rupaspur, District - Patna (Bihar).
2. Babu Lal Singh Son of Late Ganauri Mahto @ Ganauri Singh
3. Nathuni Singh Son of Late Ganauri Mahto @ Ganauri Singh Sl. No. 2 to 3 are resident of Village - Rukunpura, P.S. - Rupaspur, P.O. - Veterinary College Campus, District - Patna at present residing at Village - Rampur Nausahan, P.O. - Hajipur, District - Vaishali (Bihar).

.... **Respondents.**

=====

Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

4 23-01-2015 Heard Mr Dhanendra Chaubey, the learned counsel appearing on behalf of the petitioners. The learned counsel for the other side is also present who has prayed that a heavy cost should be awarded on the petitioners for misusing the process of the Court.

The learned counsel for the petitioners has



accepted that the centrirorial issue in the suit is the status of Babulal Singh and Nathuni Singh, who are vendors of the plaintiff of the suit land, as sons of Ganauri Singh. The plaintiff has claimed his right, title and possession over the suit land on the basis of 12 sale deeds said to have been executed by Babulal Singh and Nathuni Singh whereas the defendants have denied the said fact on the ground that Ganauri Singh died issueless and Babulal Singh and Nathuni Singh were not his sons. It further transpires that the defendants have filed a petition for comparison of the signature of Jhuman Singh, Ramashish Singh and Sukhdeven Singh as appearing on the sale deeds Exts.D/1, D/2 and D/3 with the photo copy of the memorandum of partition, which the defendants themselves have denied. The learned court below has rightly come to the conclusion that the comparison of the signatures are made only with the admitted documents and not with the disputed documents, and as both the parties have disputed the documents i.e. memorandum of partition and the sale deeds , therefore, the prayer of the defendant-petitioners for comparison of signature has been rejected.

After considering the submissions on behalf of the parties and the facts and circumstances of the case, this Court is not persuaded to interfere in the impugned order. However, the

learned counsel for the opposite parties has prayed that the petitioners are bent upon to linger the disposal of the suit by filing such petitions as they had earlier also filed a similar petition with similar prayer which they later chose to withdraw. This fact has not been denied by the learned counsel for the petitioners. In this backdrop, the learned court below is directed to take up the hearing of the suit preferably on day to day basis, as the suit is of the year 1994 and has remained pending for long 21 years. The learned counsel for both the parties have expressed their willingness to cooperate in the early hearing of the suit preferably on day to day basis.

Accordingly, this writ application is, dismissed with aforesaid direction.

(V. Nath, J)

Nitesh/-

U			
---	--	--	--