

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1688 of 2014

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Ashok Kumar Mahto & Ors

.... Petitioner/s

Versus

Smt. Sunaina Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 10-12-2015 1. Heard the learned counsel, Mr. Manohar Prasad Singh,
for the defendant petitioner.

2. By the impugned order, the Court below has only
directed that the left thumb impression of Kishori Devi may be
taken for comparison with the disputed sale deed allegedly
executed by Kishori Devi in favour of the petitioner.

3. The learned counsel for the petitioner submitted that
Kishori Devi, vendor of the petitioner, who is party, never
appeared in the Court nor she ever filed written statement but she
has been examined as witness which is illegal. She illegally in her
evidence denied to have executed sale deed in favour of the
petitioner which is not admissible at all. On belated stage, the
Court below by the impugned order has directed to send the left
thumb impression of Kishori Devi occurring in the sale deed for

comparison and if comparison is made according to the impugned order, the petitioner shall be greatly prejudiced.

4. According to the plaintiff, the sale deed alleged to have been executed by Kihsoni Devi in favour of the petitioner is a forged document and it was not executed by Kishori Devi. Kishori Devi also in her evidence denied to have executed the sale deed. However, the argument of the petitioner is that the evidence of Kishori Devi is inadmissible because it is made by her after selling the property in collusion with the plaintiff.

5. In such circumstances when the left thumb impression on the sale deed in favour of the petitioner is disputed, the Court has rightly by the impugned order directed to compare. In such circumstances, in supervisory jurisdiction, the impugned order cannot be interfered with and thus this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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