

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 723 of 2015

1. Danesh Dewangan S/o Kunjilal Dewangan, Aged About 29 Years R/o Pandri Tarai Thesil
& District Raipur Chhattisgarh

---- **Petitioner**

Versus

1. Smt. Vimla Bai Dewangan W/o Danesh Dewangan Aged About 24 Years R/o Bajrang
Chowk, P.S. Ghumka, Tehsil Ghumka, District Rajnandgaon Chhattisgarh

---- **Respondent**

For Petitioner.

: Shri Rajesh Roshan Singh, Advocate.

Order On Board

07/09/2015

Heard on admission.

1. By this petition, order dated 12.08.2015 passed by the Trial Court, rejecting petitioner's application under Section 45 of the Evidence Act, has been assailed.

2. Learned counsel for the petitioner submits that in view of the contradictory statement given by respondent during her examination with regard to ascribing and putting her signature in her acknowledgment Annexure P-5, in order to elicit truth, prayer for obtaining report of hand-writing examination was made, which is likely to prejudice the case of the petitioner as plaintiff in the pending suit.

3. A reading of the impugned order shows that the Court below has rejected the application on the ground that the respondent had admitted that she not only ascribed the document Annexure P-5 but also admitted her signature. On the face of such admission, there is no need

for further proof of the contents of the documents. The Court below has rightly rejected the application. It is made clear that no objection with regard as admissibility or contents thereafter shall be allowed at subsequent stages of the proceedings.

4. The petition is therefore, dismissed.

Sd/-

Manindra Mohan Shrivastava

Judge

Amita