

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No.302 of 2015**

1. Ravidutt Bajpai, S/o Bhagwati Prasad Bajpai, aged about 70 years, R/o Mahamaya Ward, sonar para, Mungeli, P.S. Mungeli, District Mungeli, Chhattisgarh.

---- Petitioner

Versus

1. Satyanaran Sharma, s/o Chogalal Sharma, R/o Mungeli, Present R/o Post Bhagalpur, Tahsil and Thana Mungeli, District Bilaspur, Chhattisgarh

-- Respondent

For Petitioner : Dr. N.K. Shukla, Sr. Advocate with
Shri O.P. Agrawal, Advocate
None for the respondent though represented.

HON'BLE SHRI JUSTICE CHANDRA BHUSHAN BAJPAI**ORDER****17/12/2015**

1. It is submitted on behalf of the petitioner at the outset that the matter may be disposed of by directing the Court below to consider the written statement and or Vakalatnama or affidavit, if filed by the respondent/ defendant for comparison of the signature in the receipt filed by the plaintiff/petitioner allegedly said that the signature of the respondent/defendant on receipt is purportedly signed by the defendant. The Court may after appreciation of the above proposition may dispose of the application under Section 45 of the Indian Evidence Act, 1872 (for short 'the Evidence Act') afresh.

2. For consideration of the prayer made on behalf of the petitioner, impugned order dated 17.11.2014 perused.

3. In the impugned order the application filed under Section 45 of the Evidence Act is dismissed on the sole ground that the plaintiff had not filed any document containing specimen signature of the defendant for comparison.

4. As prayed and submitted on behalf of the petitioner and on due consideration, the instant writ petition (227) is disposed of without any appreciation on its merits. The Court below is directed to consider the signature of the defendant in written statement, Vakalatnama and in any of the affidavit filed by the defendant/ respondent before the Court below for specimen signature for comparison of signature as in the receipt under consideration by the handwriting expert and to pass an order afresh for the application under Section 45 of the Evidence Act read with Section 151 of the C.P.C. after hearing both the parties in this behalf.

5. The petition is disposed.

6. No order as to cost.

Sd/

(Chandra Bhushan Bajpai)
JUDGE