

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 94 of 2015

Lal Bahadur Nayak S/o Late Shri Loknath Aged About 65 years R/o Village-
Madhavpali, Post & Tahsil- Saraipali, Dist. Mahasmand, C.G.

---- Petitioner

Versus

Narayan @ Premsagar Patel S/o Devraj Patel Aged About 30 Years R/o Village
Kanchanpur Post- Baramkela, Tahsil- Sarangarh Dist. Raigarh, C.G.

---- Respondent

For Petitioner	:	Shri R. S. Patel, Advocate
For Respondent	:	Shri Sanjay Patel, Advocate

Order On Board

21/07/2015

The petitioner is challenging legality and validity of order dated 23-12-2014 to the extent it rejected the application for obtaining opinion of the Handwriting Expert.

2. Learned counsel for the petitioner submits that during the course of cross-examination of the defendants, he has denied his signature on acknowledgement of receipt, therefore, the petitioner made an application for obtaining report of Handwriting Expert, but the Court below has committed serious jurisdictional error in rejecting the application.

3. Learned counsel for the respondent submits that the Court has rejected the application at present stage only to keep the matter open for consideration at later stage.

4. I find that the Court below has thought necessary to obtain report of Handwriting expert at the later stage. In my opinion, the Court below may take decision to obtain the report of Handwriting Expert, after analyzing the evidence at the time of final hearing of the case.

5. Reserving the liberty to the petitioner to revive his application, after conclusion of evidence of petitioner witnesses, the petition is dismissed.

**Sd/-
Manindra Mohan Shrivastava
Judge**

Tumane