

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10795 of 2014

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Md. Fakrudin @ Md. Fakruddin Ansari S/o Makbul Ansari resident of Mouza-
Saharsa, Mirtola, Saharsa, P.S and District- Saharsa

.... Petitioner/s

Versus

Devendra Prasad Poddar S/o Late Mouzi Poddar resident of Mouza- Saharsa,
Mirtola, Saharsa., P.S and District- Saharsa, at present C/o Bhubheshwar Poddar,
Krishnanagar Batraha, Ward no. 23, Saharsa, P.S and District- Saharsa.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 18-07-2016

Heard Mr. Ajay Kumar Singh, learned counsel for the
petitioner.

The petitioner is aggrieved by the impugned order by
which the learned court has turned down his prayer for accepting in
evidence the report of the handwriting expert.

The petitioner is the plaintiff in the suit for specific
performance of contract. It is the case of the petitioner that after
getting the knowledge of the fact of transfer of the suit land in favour
of Ram Bahadur Poddar, he obtained the certified copy of the said
sale deed and got the signature of the vendor examined with the
signature appearing in the said sale deed and thereafter has sought to
adduce in evidence the report of the said handwriting expert. The

learned court below by the impugned order has turned down the said prayer.

After considering the submissions and perusal of the impugned order, this Court finds that the petitioner has only filed the photo copy of the agreement for sale and has not produced the original copy of the said agreement nor has adduced any explanation for its non-production. It is also apparent from the impugned order as well as from the submissions that the petitioner has got the signature appearing on the sale deed and that on the photo copy of the agreement for sale examined through private handwriting expert. Considering the entire facts and circumstances, the learned court below has passed the impugned order rejecting the prayer of the petitioner for taking in evidence the said report of the private handwriting expert obviously made on the basis of the photo copy. This Court, therefore, is not inclined to interfere in the impugned order by invoking the jurisdiction under Article 227 of the Constitution of India.

The present application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

AFR/NAFR	
CAV DATE	
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