

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13418 of 2014

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1. Md. Ghiyasuddin son of Late Amiruddin Resident of village- Saudagar Patti Road, P.O., P.S. and District- Kishanganj.

.... Petitioner/s

Versus

1. Sultan Alam son of Late Quamruddin Resident of village- Pilkhana Road, Churipatti, P.O., P.S. and District- Kishanganj

2. Imamuddin

3. Asifuddin

4. Merajuddin All sons of Late Amiruddin

5. Chandni daughter of Late Amiruddin All resident of village- Saudagar Patti Road, P.O., P.S. and District- Kishanganj

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nazmul Hoda, Adv

For the Respondent/s : Mr. Sanjay Kumar Mishra, Adv & Mr. Manish Kumar Mishra, Adv

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 20-09-2016

Heard learned counsel for the parties.

By the impugned order the learned court below has rejected the prayer made on behalf of the plaintiff-petitioner to again send the disputed signature and admitted signature to the forensic expert at Kolkata.

The fact is not in dispute that on the prayer of the plaintiff, the disputed signature as well as the admitted signature Exhibit-1, Exhibit-3 to 3/2 were sent to the Forensic Science



Laboratory at Kolkata. However, it is the case of the plaintiff that along with those admitted signatures, 16 more signatures were also sent and therefore the prayer was made before the court to resend the admitted signature and disputed signature to the forensic expert at Kolkata. The said prayer has been turned down by the court below after considering the facts and circumstances of the case.

After considering the submissions and the perusal of the impugned order, this Court does not find that the learned court below has committed any illegality or irregularity in passing the impugned order. This Court, therefore, is not inclined to interfere with the impugned order invoking its jurisdiction under Article 227 of the Constitution of India.

The writ application is, accordingly, dismissed.

However, it is observed that the plaintiff shall be at liberty to raise the objection at the time of consideration of the report to be submitted by the expert before the trial court which shall be enjoined to consider the objection while determining the relevant issue in that regard.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
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