

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15559 of 2015

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Hemant Kumar

.... Petitioner/s

Versus

Urmila Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Bhushan

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 20-01-2016 Heard the learned counsel for the petitioner on I.A. No.8201 of 2015. At the time of hearing of this I.A., learned counsel for the petitioner submitted that the writ application itself may be heard on merit in admission matter. Accordingly, I heard him on merit in admission matter.

By the impugned order dated 09.11.2012, the learned Sub Judge VII, Bhagalpur rejected the application filed by the petitioner for comparison of last portion of the Zerbeyana and to see as to whether any manipulation was done or not in Title Suit No.109 2009.

Perused the order passed by the Court below. The Court below found that in fact, the petitioner has already admitted the signature on the Zerbeyana. Now, the petitioner is praying for examination of the said document regarding any manipulation in the contents thereof. Considering this aspect, the Court below has

rejected the application filed by the petitioner.

In such view of the matter, when the Court below found that the signature had already been admitted whether there is manipulation or no manipulation is a matter that can be examined at the time of final hearing of the suit but certainly in exercise of supervisory jurisdiction, this Court cannot direct to send the alleged Zerbeyana for the relief claimed by the petitioner in the petition.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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