

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11050 of 2014

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Sunil Kumar Pandey S/O Sri Ramadhar Pandey Resident of Mohalla Katira Sahdeo
Giri Road, P.S. Ara Nawada, District Bhojpur Petitioner

Versus

1. Laljhari Devi W/o Late Ram Bahadur Singh
 2. Kumar Sanjay Singh S/o Late Ram Bahadur Singh
 3. Kumar Mritunjay Singh S/o Late Ram Bahadur Singh
 4. Kumar Janmajry S/o Late Ram Bahadur Singh respondent no. 1 to 4 are resident
of Village Badgaon (Nariadih) P.S. Azimabad, P.O. Badgaon District- Bhojpur, at
presently residing at Near Eastern Jain College Gate, P.S. Ara Nawada District
Bhojpur
 5. Anand Prakash Agrawal S/o Late Lalji Agrawal Resident of Mohalla Jail Road
Ara, P.S. Ara town, District- Bhojpur Respondents
- =====

Appearance :

For the Petitioner/s : Mr. Dharmendra Kumar Sinha, Adv.

For the Respondent No1 : Mr. Satyanarayan Singh, Adv.

Mr.Vivekanand Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 19-07-2016

V.Nath, J.

Heard the learned counsel for the petitioner.

The petitioner is aggrieved by the direction of the learned court below by the impugned order for calling for a report on the disputed signature from another expert.

The facts as appearing from the impugned order as well as from the materials on record demonstrate that by previous order the learned court below had issued a letter dated 03.02.2012 to the Director, Fingerprints , Crime Investigation Department, fixing the points for submission of the report. The report was submitted on 31.10.2012 by the said authority. However, from the impugned order it further transpires that the learned court below has come to the

finding that the report as submitted by the authority is not satisfactory and complete in nature. In this backdrop, the learned court below has decided to send the matter to another authority and call for the report. The petitioner who is the plaintiff in the suit is aggrieved by this order and has approached this Court by filing this petition under Article 227 of the Constitution of India.

After considering the submissions on behalf of the petitioner, this Court comes to the conclusion that the discretion exercised by the court in calling for the report from another expert cannot be said to be perverse or unreasonable and there appears to be no material irregularity or error of jurisdiction committed by the court below. Under the provisions of Order 26 Rule 10(a) the court acts within its jurisdiction to call for the aid of expert and also to direct to scientific investigation in order to determine the disputed question of fact arising in the suit. This Court therefore is not inclined to interfere with the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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