

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11623 of 2015

=====

1. Rajendra Ram son of Late Jagdhari Ram, resident of Mohalla- Bari Badalpura, Police Station- Kagoul, District- Patna

.... Petitioner/s

Versus

1. Ramanuj Ram
2. Anil Kumar Both sons of Late Megha Ram
3. Smt. Shakuntala Devi, daughter of Late Megha Ram All resident of Mohalla- Bari Badalpura Khagaul, P.S.- Khagaul, District- Patna

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Braj Nandan Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

2 29-02-2016 Heard learned counsel, Mr. Navin Kumar Sinha, appearing for the petitioner.

2. By the impugned order dated 24.04.2015, the learned Ad-hoc Additional District Judge-VI, Patna has held that it is desirable in the interest of justice to get a report from the Government Forensic Laboratory, Government of Bihar, Bailey Road, Patna with respect to the admitted and disputed L.T.I.s of deceased, Mulahi Mochi and Kulahi Mochi.

3. The grievance of the petitioner is that earlier the report was obtained by the plaintiffs-respondents ten years ago and they got it marked as exhibit in the case and did not take any steps

for last 10 years. At the time of argument of the case, the application was filed for again comparing the disputed L.T.I.s with the admitted L.T.I.s.

4. The learned counsel further submitted that since the expert opinion is already on record without setting aside the same, the court below could not have directed to obtain further opinion. The learned counsel relied upon the decision of this Court reported in **2015 (2) PLJR 52**.

5. Perused the order passed by the court below. According to the court below the report, which was submitted by the expert is to the effect that the photographs of admitted and disputed L.T.I.s are not suitable for their inter-se comparison, therefore, in fact, no opinion was submitted by the expert. In such situation, it is non-est in the eye of law. Since the dispute has been raised that the Will is forged Will and it was not signed/ it does not bear thumb impression of both the persons, which was necessary for just decision of the controversy between the parties to get the opinion of a Government Forensic Science Laboratory report and the court below rightly, therefore, ordered so by the impugned order.

So far the decision relied upon by the learned counsel

for the petitioner is concerned, it is not applicable in the present facts and circumstances of the case. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

brajesh/-

U			
---	--	--	--