

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No. 1 of 2017

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Raj Kumar Singh, son of Late Mahanand Singh, resident of Village - Purani Panapur, P.S. - Danapur, District - Patna; At present residing at Sikandarpur, Nasriganj, P.S. - Danapur, District - Patna.

.... Petitioner/s

Versus

1. M/s Engineers Enterprises having its establishment locate at Mohalla - Rustampur Shahpur also known as Sikandarpur, P.S. - Danapur, District - Patna through its Proprietor Kaushal Kishore Singh, son of Sri Ram Ratan Singh, resident of Pipraun, P.O. - Pipraun, P.S. - Harlakhi, District - Madhubani.
2. Kaushal Kishore Singh, son of Sri Ram Ratan Singh, resident of Pipraun, P.O. - Pipraun, P.S. - Harlakhi, District - Madhubani.

.... Respondent 1st Set

3. Punjab National Bank through its Chief Manager having its branch at Boring Road, Patna, P.S. - Sri Krishnapuri, District - Patna.

.... Respondent 1st Set

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Appearance :

For the Appellant/s : Mr. Kumar Rishikesh Chanchal, Adv.

For the Respondent 1st set : Mr. Arvind Kr. Sinha, Adv.

For the Respondent 2nd set : Mr. Dr. Pankaj, Adv.

For the Respondent Nos. 1-2 : Mr. S.S.P. Yadav, Adv.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL JUDGMENT & ORDER

Date: 08-11-2017

The matter has been listed for urgent hearing on a mentioning slip, at the top of the list. On call of the matter, an adjournment is being sought on the ground that Mr. Yogesh



Chandra Verma, learned Senior Counsel, is engaged in some other Court.

2. Once a matter is listed at the request of the parties for urgent hearing, adjournment, on the ground of non-availability of the Counsel, cannot be allowed in view of the fact that the matter relates to title suit, pending for more than seven years.

3. An order, dated 01.10.2016, passed by the learned Sub-Judge-I, Danapur, in Title Suit No. 293 of 2010, is under challenge, whereby, the court below has rejected an application for obtaining expert's opinion, on comparison of the hand-writing of defendant No. 2 with his signature in the notice, dated 13.10.2010, said to have been sent by the said defendant to the plaintiff.

4. I have perused the impugned order from which I find that the said suit was filed on 25.10.2010. Admittedly, there is no pleading in the plaint regarding the notice, dated 13.10.2010. The learned court below has taken note of the fact that at no point of time, during the evidence from 16.04.2014 to 28.08.2015, the petitioner filed any application indicating existence of the said notice, dated 13.10.2010, and requirement of comparison of the hand-writing of the defendant with the hand-writing occurring in the said notice.

5. The notice itself is not an admitted document. The



signature of a party could be compared only with an admitted signature. In such circumstance, the learned court below has rightly rejected the application seeking expert’s opinion, on comparison of the hand-writing of defendant No. 2 with his hand-writing in the said notice, dated 13.10.2010.

6. This application has no merit and is, accordingly, dismissed.

7. The interim order, dated 25.01.2017, stands vacated.

(Chakradhari Sharan Singh, J)

Praveen-II/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13.11.2017
Transmission Date	N/A

