

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25034 of 2013

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Surendra Prasad S/O Late Narayan Sao Resident Of Poonpooon Bazar, P.O.
& P.S. - Poonpooon, District - Patna

.... Petitioner

Versus

Nand Kishore Prasad Son Of Late Yamuna Sao Resident Of Poonpooon
Bazar, P.O. & P.S. - Poonpooon, District - Patna

.... Respondent

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Appearance :

For the Petitioner : Mr. Dilip Kumar, Advocate

For the Respondent : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 06-12-2017 This application has been filed to quash the order dated 14.02.2013 passed by Sub Judge-XII, Patna in Title Suit No.348 of 2009 whereby and whereunder the prayer of the petitioner to call for the deposition of Nand Kishore Prasad from the court of learned Munsif, Masaurhi was rejected. The petitioner wants to get the signature of respondents given on deposition compared with the disputed signature by a handwriting expert.

2. Heard learned counsel for the petitioner and perused the record.

3. It appears that the petitioner has filed the aforesaid Title suit for specific performance of contract on the basis of a deed of agreement allegedly executed by the respondent. The respondent has denied his signature on the said agreement. The



petitioner filed a petition to call for the deposition of respondent from the court of Munsif which was rejected on 14.02.2013. The case is now pending for argument. The petitioner has again filed a petition with similar prayer to call for the deposition which has been rejected by the court as per impugned order dated 25.09.2013. The court below has rightly observed that there were several signatures of respondent on record which were not taken by the petitioner to get the same compared by any hand writing expert at the earliest stage of trial.

4. In the facts and circumstances of the case, I do not find any illegality in the impugned order requiring any interference in the impugned order. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

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