

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.432 of 2017

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1. Yogendra Prasad, son of Late Jagarnath Ramji,
2. Sheela Devi, wife of Sri Yogendra Prasad. Both residents of Mohalla- Bakerganj,
P.S. Pirbahore Town and District Patna.

.... Petitioners.

Versus

Gopal Prasad Gupta, Son of Late Rajeshwar Prasad Gupta, Resident of Bakerganj,
Bari Path, P.S. Pirbahore, Town and District Patna.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Pankaj Maijorwar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 22-06-2017

Heard the learned counsel for the petitioners.

By the impugned order, the learned court below has rejected the prayer made on behalf of the defendant-petitioner for examination of the disputed signature by a private expert.

After considering the submissions and the perusal of the materials on record including the impugned order, it transpires that the suit for specific performance has been filed in the year 1996 and has remained pending up-till-now mainly because of the prayer made by the present petitioners who are subsequent purchasers of the suit property and impleaded as defendant nos.7 and 8 in the impugned order. The learned court below has given a graphic description of the series of petitions to the same effect filed by the petitioners and the



dismissal of the same. In the facts and circumstances, this Court is not inclined to invoke the jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

However, the petitioners may avail the remedy as stipulated in Section 105 C.P.C., if such situation arises.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
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