

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20688 of 2013

- =====
1. Ganga Devi W/o Late Balkrishna Jha, resident of village - Shahjahanpur Loma, P.S- Tisiauta, District- aishali.
 2. Shyam Sundar Jha S/O Late Balkrishna Jha, resident of village - Shahjahanpur Loma, P.S- Tisiauta, District-Vaishali.

.... Petitioner/s

Versus

Ram Bilas Das S/o Late Dashrath Das, resident of village- Chak Faridabad, P.O- Rasalpur, P.S- Jandaha, District-Vaishali.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Mahesh Narayan Parbat, Adv.

For the Respondent/s :

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 01-12-2017

This application has been filed to set aside the order dated 17th June 2013 passed by the learned Sub-Judge-VIII, Hajipur, Vaishali in Title Suit No. 619 of 2001 whereby and whereunder the prayer of petitioner to get the signature of one Devendra Mishra examined by a handwriting expert was refused.

2. Heard learned counsels for the petitioners as well as the respondent.

3. It appears that the petitioners filed the aforesaid title suit on the file of learned Sub-Judge, Hajipur for declaration of title and recovery of possession over the suit land. The said land originally belonged to one Dashrath Sah who had two sons namely Ramchandra Das and Ram Bilash Das. During the survey, the names of both sons



of Dashrath Sah were recorded over the suit land. The said Dashrath Sah being Karta and Karbari of his family has executed a sale deed in favour of one Balkrishna Jha on 6th August 2013 for an area measuring 7 katha. The name of purchaser was recorded in consolidation record in the record of right and he was mutated in the revenue record also. The defendant subsequently started creating trouble in possession of the plaintiff for which a proceeding under section 144 of the Code of Criminal Procedure was initiated. The claim of defendant is that he was major in the year 1973 but his father had executed the sale deed wrongly describing him as minor. The defendant in order to support his case of majority has filed photo copy of School Leaving Certificate (herein after mentioned as “SLC”) before the learned Court below in which his date of birth has been described as 30.03.1947. The plaintiff has challenged the genuineness of SLC. He has asserted that the SLC is forged and fabricated document and it does not bear the signature of Head Master. The plaintiff in order to obtain opinion of handwriting expert has called for copy of service book of Head Master which bears his signature. The said signature is quite different to the signature given on the SLC. The learned Court below rejected the prayer of the plaintiff observing that the plaintiff is at liberty to call for the counterfoil of SLC from the school in order to reveal the fraudulent act of the defendant. The



petition has been filed at belated stage also. The learned Court below has further observed that the Head Master has put initial signature on the SLC whereas service book bears his full signature and so these cannot be compared for ascertaining the genuineness of signature.

4. In view of above facts, I find that the learned Court below has not committed any error in rejecting the application filed on behalf of the petitioner-plaintiff.

5. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	14.12.2017
Transmission Date	

