

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.1155 of 2016

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Rina Devi wife of Om Prakash Singh resident of Village- Puraini Kala, Police Station- Rajpur, District- Buxar. At present resident of Chini Mill, Buxar, Municipality Ward No.34, Police Station Buxar Town, District- Buxar.

.... Petitioner.

Versus

1. Saroj Kumar Pandey Son of Chintamani Pandey resident of Village Nimej, P.S.- Brahmpur, District- Buxar. At present resident of Chini Mill, Buxar Nagar, Municipality Ward No.34, Police Station- Buxar Town, District- Buxar.
2. Dashrath Sharma Son of Ram Vyas Sharma resident of Village- Khiri, Police Station Rajpur, District- Buxar.
3. The Secretary, Mitra Lok Co-operative Grih Nirman Samittee, Chini Mill, Buxar.

.... Respondents

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Appearance :

For the Appellant/s : Mr.Abhishek, Adv.
Mr. Anil Kumar Roy
For the Respondent/s : Mr. Mahesh Prasad II, Adv.
Mr. Anirudh Mishra, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 20-06-2017

Heard the learned counsel for the petitioner and
learned counsel for the respondent no.2.

By the impugned order, the learned court below has
directed the comparison of the signature of the defendant no.2
appearing on the alleged surrendernama with signature taken before
the court and preserved by earlier order.

It appears from the records that earlier the petition
was filed on 28.05.2015 (Annexure-1) by the defendant no.2
specifically denying his signature on the surrendernama (Ext.1) and



praying for examination of the said signature by an expert. Subsequently on the prayer of the plaintiff-petitioner, the court recalled its order allowing the prayer of the defendant no.2 and directed the defendant no.2 to appear in-person and place his signature before the officer of the court which was to be preserved. By the impugned order, the learned court below has allowed the prayer of the defendant no.2 for examination of his disputed signature by the expert and has directed the said examination to be done at F.S.L., Patna.

After considering the submissions and materials on record, this Court does not find that the learned court below has committed illegality requiring interference under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

(V. Nath, J)

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