

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**W.P. (227) No. 264 of 2017**

Shailendra Singh Chhatriya, S/o:- Narayan Singh, aged about 28 years, R/o:- Sindhi Colony near forest office, Jarhabhata, Bilaspur, Tahsil & District – Bilaspur (C.G.)
.....Plaintiff

---- Petitioner**Versus**

1. Dilip Yadav, S/o:- Late Chedilal Yadav, Aged about 40 years, R/o:- Uslapur, Bilaspur, Present add:- Village-Lakhasar, Via Village – Katakoni, Tahsil- Takhatpur, District – Bilaspur (C.G.) Defendant No.1.
2. State of Chhattisgarh, through :- Collector, District Bilaspur (C.G.)Defendant No. 2

---- Respondents

For Petitioner : Mr. Hemant Gupta, Advocate.
For Respondent No.1 : Mr. B.M. Roy, Advocate.
For Respondent No. 2/State: Mr. Aditya Sharma, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****07/04/2017**

(1) The trial Court, by its impugned order dated 08.03.2017 has rejected the application filed by the plaintiff under Section 45 of the Indian Evidence Act.

(2) Counsel for the petitioner would submit that examination of the disputed agreement from hand writing expert is necessary.

(3) Per contra, counsel for respondent No.1 would submit that as respondent No.1/defendant No.1 has not denied his signature over the disputed agreement, there is no necessity to examine the disputed agreement from hand writing expert.

(4) I have heard learned counsel appearing for the parties and

perused the order impugned with utmost circumspection.

(5) The trial Court has clearly recorded a finding that there is no necessity to examine the disputed agreement from hand writing expert as respondent No.1/defendant No.1 has not denied his signature over the same, in which, I do not find any jurisdictional error warranting interference by this Court under its jurisdiction under Article 227 of the Constitution of India.

(6) Accordingly, the writ petition fails and is hereby dismissed.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-