

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 526 of 2016**

Krishna Kumar Agrawal S/o Khajanchi Lal Agrawal, Aged about 52 years,
R/o D.C.Road, Ambikapur, P. S. & Post Ambikapur, Tahsil Ambikapur, District
Surguja Chhattisgarh

---- Petitioner

Versus

1. Suresh Agrawal S/o Late Khajanchi Lal Agrawal, Aged about 57 years, R/o Bramha Road, Ambikapur, District Surguja Chhattisgarh and C/o Vijay Laxmi Cloth Stores, below premises of Bank of Baroda, Branch Ambikapur, Deviganj Road, Ambikapur, P.S. & P.O. Ambikapur, District Surguja Chhattisgarh, (Plaintiff)
2. State of Chhattisgarh, through Collector Surguja, Ambikapur, P.S. & P.O. Ambikapur, District Surguja Chhattisgarh, (Defendant No. 2)

---- Respondents

For Petitioner	:	Ms. Priyanka Mehta, Advocate.
For Respondent No. 1	:	Mr. Arvind Sinha, Advocate.
For State	:	Mr. Aditya Sharma, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****06/11/17**

1. Learned counsel appearing on behalf of petitioner would submit that the petitioner's application filed under Section 45 of the Indian Evidence Act, 1872 has illegally been rejected by the trial Court by order dated 26.07.2016, therefore, the impugned order be set aside and the petitioner's application under Section 45 of the Evidence Act be allowed.
2. On the other hand, learned counsel for the respondents would submit that the petitioner's application under Section 45 of the Evidence Act has already been allowed on 06.02.2014 and, therefore, the petitioner cannot be allowed to maintain fresh application under Section 45 of the Indian

Evidence Act.

3. I have heard learned counsel for the parties and perused the impugned order with utmost circumspection.

4. It is correct to say that the petitioner's application under Section 45 of the Evidence Act has already been allowed by the trial Court on 06.02.2014 directing comparison of admitted signature with the disputed signature and now the petitioner has again made an application that thumb impression be directed to be compared.

5. Once the petitioner's application under Section 45 of the Evidence Act has already been allowed by the trial Court and that has become final, the petitioner is not entitled to make second application as the identical application has already been allowed by the trial Court.

6. In view of the above, the writ petition deserves to be and is hereby dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge