

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20659 of 2013

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Md. Shakil Ahmad Son Of Late Haji Md. Jahur Ansari Resident Of
Mohalla - Bagtaj Khan Alias Pokhara Gudri Bazar, P.S. Hajipur, District -
Vaishali

.... Petitioner

Versus

1. Md. Sabir Hussain Son Of Late Haji Jahur Ansari Residing At Bagtaj
Khan Alias Pokhara Gudri Bazar, P.S. Hajipur, District - Vaisahli
2. Md. Khursid Ahmad Son Of Late Haji Jahur Ansari Resident Of Village
- Chakphul, Post - Panapur Dharampur, P.S. Ganga Bridge , Distt.
Vaishali
3. Shamsa Khatoon Daughter Of Late Haji Jahur Ansari Resident Of
Village - Chakphul, Post - Panapur Dharampur, P.S. Ganga Bridge ,
Distt. Vaishali
4. Ashiya Khatoon Daughter Of Late Haji Jahur Ansari Resident Of
Village - Chakphul, Post - Panapur Dharampur, P.S. Ganga Bridge ,
Distt. Vaishali

.... Respondents

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Appearance :

For the Petitioner : Mr. Md. Sobar Asghar, Advocate
For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

5 08-02-2018 This application has been filed to set aside the order

dated 09.09.2013 passed by the learned Civil Judge (Senior
Division)-IV, Vaishali at Hajipur in Title Suit No.254 of 2007
whereby and whereunder the prayer of the petitioner to get the
signature of defendants examined by expert was refused.

2. Heard learned counsel for the petitioner as well as
respondents.

3. It appears that the petitioner filed Title Suit No.254 of
2007 for declaration of his title over the land which was allotted in



his share as per private partition. It has been asserted that a memo of partition was prepared which was signed by the father and brother of the petitioner. The defendant filed written statement and denied his signature on the alleged memo of partition. In course of evidence, the defendants at para-49 and 50 of his evidence has denied his signature on the alleged memorandum of partition dated 20.04.1994. The evidence of defendant was closed and thereafter the petitioner filed a petition on 12.07.2013 to get the signature given on memorandum of partition examined by an handwriting expert. The learned court below rejected the prayer of the plaintiff observing that the present petition has been filed at the time of argument although the plea of signature being forged and fabricated was taken in the written statement itself.

4. In view of above facts, I do not find any merit in this application. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

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