

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.639 of 2015

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Budhdev Yadav Son of Late Ram Devan Yadav R/o Village-Painapur, P.S.-
Bikram, District-Patna.

... .. Petitioner/s

Versus

Brajesh Sharma @ Brajesh Kumar Singh Son of-Awadhesh Singh R/o
Village-Rampur, P.S.-Bikram, District-Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.K.Das, Advocate
		Mr. Ashok Kumar Jha, Advocate
For the Respondent/s	:	Mr. Ajay Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT

Date : 04-12-2018

Defendant of Title Suit No.246 of 1984 pending in the
Court of Sub Judge-II, Danapur has filed this application for
quashing the order dated 24.09.2013 whereby and whereunder the
court below accepted the document of plaintiff in evidence subject
to payment of cost of Rs.500/-.

2. Heard learned counsel for the petitioner and the
respondent.

3. The respondent/plaintiff filed the aforesaid suit for
declaration of three registered sale deeds dated 07.05.1984,
24.05.1984 and 01.08.1984 purported to be executed by Sri
Brajnandan Singh and others in favour of defendant as illegal,
void, inoperative forged and fabricated. The defendant filed
written statement and contested the suit. After settlement of issue,
both the parties examined their witnesses. The plaintiff in order to
establish his case of fraud committed in creating the sale deed filed
a petition and registered deed of partition dated 30.06.1975



executed by late Brajnandan Singh and other family members for comparison of thumb impression of executant.

4. It has been submitted that the said document is admitted document and it contains signature and thumb impression of late Brajnandan Singh. The plaintiff in order to get the thumb impression and signature of said Brajnandan Singh who allegedly executed the sale deed in question is necessary to be examined by an expert. The learned court below allowed the said petition and accepted the document for the purpose of evidence. The impugned order accepting the said document in evidence although is cryptic in nature but when I consider the facts asserted in application filed on behalf of the petitioner, I find that the said document appears necessary for adjudicating the genuineness of signature and thumb impression of late Brajnandan Singh who is alleged to be an executant of disputed three sale deeds.

5. In view of above discussions, I do not find any merit in this writ application. This writ application is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.12.2018
Transmission Date	N/A

