

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17523 of 2014

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1. Smt. Jamuni Devi W/O Sri Hari Lal Sao, resident of Kanker Bagh, Gate No. 15,
P.S. Kanker Bagh, A/P P.S. Patrakar Nagar, Dist- Patna

.... Petitioner/s

Versus

1. Smt. Sandhaya Sinha W/O Sri Bhuneshwar Pd. Singh, resident of village
Naudha, P.S. Sonapur, Dist- Chapra, Saran A/P Quarter No. 7/73 Rajendra Nagar
Road No. 10, P.S. Kadam Kuan, Dist- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Tilak Sao

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 24-04-2018

This application has been filed for setting aside the order dated 16.07.2014 passed by Sub Judge-V, Patna City in Title Suit NO.315 of 2009. The court below as per impugned order rejected the petition filed by this petitioner whereby and whereunder he had prayed to get the writings sale deed dated 11.04.1995 examined by handwriting expert.

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

3. The petitioner filed with the aforesaid Title Suit No.315 of 2009 on the file of Sub Judge for declaration of his right, title and possession over the suit property and further that the sale deed dated 11.04.1995 with respect to suit property in the name of defendant no.1



as inoperative, void, without consideration and not binding of the plaintiff. After closing evidence of both the sides, the case was fixed for argument. The petitioner filed a petition for examination of writing of sale deed dated 11.04.1995 by an handwriting and finger print expert.

4. The learned counsel for the petitioner submitted that the respondent claims to have purchased two pieces of land by virtue of registered sale deed dated 11.04.1995 for an area of 6 ¼ decimals of plot no.1306 and sale deed dated 11.04.1995 with respect to 6 ¼ decimals of land in plot no.6. The defendant in their written statement has pleaded that in the northern boundary, the plot of CSP no.1300 has been mentioned but during evidence, the defendant witness no.4 Smt. Sandhya Devi at pars-26 and 27 has stated about CS plot no.1306 instead of plot no.1300. The defendants have fraudulently made an interpolation in the sale deed and so in order to establish the case of interpolation, the said sale deed is necessary to be examined by a handwriting expert. The learned counsel for the respondent on the other hand submits that the plaintiffs are aware with the recital made in document including the boundary mentioned in the sale deed. The case of both the parties has been closed and when the argument was being heard, the present petition has been filed only to prolong the disposal of the case. The court below while rejecting the petition



has observed that the case of both the parties have been closed and the said sale deed dated 27.06.1995 has been exhibited but in spite of knowledge the plaintiffs did not take any step for obtain report of handwriting expert as regards alleged interpolation at the earliest stage. The petitioner filed the petition at the fag end of the trial which is not sustainable and has rightly been rejected.

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

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/
Uploading Date	26.04.2018
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