

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.480 of 2017**

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1. Suresh Mistri @ Suresh Chandra Sharma, Son of Late Laxmi Mistri
2. Mukesh Kumar, Son of Suresh Mistri Both are Resident of Village-
Thuthi, P.S.-Chautham, District-Khagaria

.... Petitioner/s

Versus

1. Vinay Kumar Singh, Son of Late Vijyendra Narayan Singh, Resident of
Village-Thuthi, P.O.- P.S.-Chautham, District-Khagaria

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dronacharya

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 25-08-2018 Heard Mr. Dronacharya, learned counsel appearing on
behalf of the petitioners.

Petitioners are the defendants. The petitioners have filed this civil miscellaneous petition against the order dated 23.01.2017 passed by Munsif, Khagaria in Title Suit No.26 of 2010 by which the learned Munsif ordered for examination of the signature of Thakur Prasad Singh bearing on Ext. 6 which is registered document and Ext.B and C, the Hukumnama filed on behalf of the defendants.

Learned counsel for the petitioners submits that the signature on the registered deed of Hukumnama said to have been executed by Thakur Prasad Singh in favour of plaintiff is also



disputed and, therefore, the signature of Thakur Prasad Singh on Ext.B and C cannot be compared and examined with the signature of Thakur Prasad Singh bearing on Ext.6. It is submitted that learned Munsif has illegally ordered for examination of two signatures of Thakur Prasad Singh with the third signature of Thakur Prasad Singh bearing on Ext.6 which is not admitted by the defendant but it appears that the plaintiff disclosed in his evidence that Thakur Prasad Singh himself executed the registered deed of Hukumnama in favour of Subhadra Devi which was exhibited as Ext.6 and the defendant did not controvert the signature of Thakur Prasad Singh on Ext.6. The plaintiff in the plaint itself stated that two deeds of Hukumnama said to have been executed by Thakur Prasad Singh in favour of the defendants are forged and fabricated and on such, learned Munsif has rightly ordered for examination and comparison of the signature of Thakur Prasad Singh bearing on the registered Hukumnama, Ext.6 and Hukumnama, Ext.B and C.

Thus, I do not find any jurisdictional error or illegality in the order impugned and this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

Saurabh/-

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