

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.6325 of 2014

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1(a) Sita Devi Widow of Late Bidya Sagar Thakur
(b) Raj Kumar Thakur son of Late Bidya Sagar Thakur
(c) Nand Kishore Thakur son of Late Bidya Sagar Thakur
2. Kapildeo Thakur Son of Late Janak Thakur
3. Binod Kumar Thakur Son of Late Janak Thakur
4. Geeta Devi Wife of Bina Thakur D/O Late Janak Thakur
5. Kusuma Devi @ Kusmi Devi Wife Of Laxman Thakur D/O Late Janak Thakur.
All Are resident of Village- Mohammadpur Badal, Police Station- Sakra, District-
Muzaffarpur.

.... Petitioners

Versus

1. Baiju Thakur S/O Ram Swaroop Thakur (Deceased)
2. Amarnath Thakur S/O Ram Swaroop Thakur (Deceased)
3. Om Thakur Son Of Late Bishwanath Thakur
4. Satendra Thakur Son Of Late Bishwanath Thakur
5. Prem Thakur Son Of Tripit Thakur
6. Pawan Thakur Son Of Tirpit Thakur
7. Ramraji Thakur Son Of Ganga Ram Thakur
8. Birjoo Thakur Son Of Ganga Ram Thakur
9. Dilip Thakur Ganga Ram Thakur
10. Digamber Thakur S/O Maksoodan Thakur
11. Binod Thakur S/O Late Bhola Thakur
All Resident Of Village- Dardha Mohammadpur Badal, P.S.- Sakra, P.O.-
Mohammadpur, Munsifi, Muzaffarpur (East), District- Muzaffarpur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Pradhan Murli Manohar Prasad, Advocate
Mr. Raju Kumar Goswami, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 23-04-2018

This writ application has been filed for setting aside the
order dated 04.01.2014 passed by Execution Munsif, Muzaffarpur in
Title Suit No.265 of 1995 whereby and whereunder the prayer of the
petitioners for calling for the thumb impression register with respect



to registered sale deed dated 17.12.1960 executed by Janak Thakur in favour of Silochan Devi as well as the thumb impression register of sale deed dated 06.01.1965 alleged to be executed by Janak Thakur in favour of Ram Swaroop Thakur and others for expert opinion was rejected.

2. Heard learned counsel for the petitioners and perused the record.

3. It appears that the defendants filed the aforesaid suit for declaration with respect to a sale deed as forged and fabricated. The plaintiffs have asserted that the executant Janak Thakur died on 10.01.1963 and so there was no occasion for him to execute sale deed on 06.01.1965. In order to establish this fact, it is necessary to get the signature/thumb impression of Janak Thakur to be compared with the admitted documents. The said Janak Thakur was literate and he had executed various sale deeds including sale deed dated 17.12.1960 which has been marked exhibit on behalf of the plaintiffs. After filing written statement, issues were framed and the plaintiffs closed their evidence on 24.11.2006. The defendants have also closed their evidence on 26.03.2009 and in course of argument the plaintiffs filed a petition for calling for the thumb impression register from the District Sub-Registrar Office. The court below while rejecting the said petition has observed that the plaintiffs were very conscious for the



relief with respect to a sale deed as forged and fabricated. The plaintiffs remained silent for about 3 years and did not take any step to call for the thumb impression register and when the argument of plaintiffs was going on, a petition to call for thumb impression register was filed, which shows that the petitioners deliberately want to prolong the disposal of the suit. The court below rejected the said petition by a reasoned order observing that it was deliberate laches on the part of the plaintiffs which cannot be allowed at the fag end of trial.

4. In view of above discussions, I do not find any merit in this writ application and the same is accordingly dismissed.

(Sanjay Kumar, J)

Harish/-

AFR/NAFR	
CAV DATE	
Uploading Date	30.04.2018
Transmission Date	

