

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.216 of 2018

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1. Ram Swarup Mahto son of Late Mangal Mahto
 2. Santosh Kumar
 3. Sandip Kumar Both Sl. No. 2 and 3 are minor sons of Ram Swaroop Mahto under the guardianship of their father and well wisher
 4. Sarjug Mahto son of Late Shiv Mahto
 5. Ranjit @ Ranjit Kumar son of Late Shiv Mahto All are residents of Mohalla - Dargah Khajoorbanna, P.S. - Sultanganj, Town and District - Patna.

.... Petitioners

Versus

1. Sidhnath Prasad son of Late Mahabir Mahto
2. Raghubir Prasad son of Late Mahabir Mahto Both are residents of Mohalla - Dargah Khajoorbanna, P.S. - Sultanganj, Town and District - Patna.
3. Kumari Tara daughter of Mahabir Mahto at present residing at Mohalla - Musallahpur, P.S. - Sultanganj, District - Patna.
4. Smt. Uma Devi wife of Sri Mohan Prasad resident of Mohalla - Purandarpur, P.O. + P.S. - Jakkanpur, Town and District - Patna.
5. Smt. Sunita Devi wife of Ashok Kumar resident of Mohalla - Musallahpur, P.O. - Mahendru, P.S. - Sultanganj, Town and District - Patna.
6. Hariman Grih Nirman Samittee, through its Secretary Dr. Md. Entiazuddin Azad son of not known resident of Mohalla - Garahua Tola, P.S. - Sultanganj, Town and District - Patna.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Arun Kumar Arun

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL JUDGMENT

Date: 15-05-2018

Heard Mr. Arun Kumar Arun, learned counsel for the petitioners.

The petitioners are the plaintiffs in T.S. No.160/1996. The plaintiffs filed this Civil Miscellaneous petition against the order dated 16.11.2017 passed in T.S. No.160/1996 by learned Sub Judge-V, Patnacity, by which the petition of the petitioners to dispose of the



suit on the basis of material and evidence available on record has been rejected.

Learned counsel for the petitioners submits that on the basis of the prayer made by the defendants and with the consent of plaintiffs and defendants, the admitted thumb impression of Mahtabia Devi available on record was sent to finger print expert for report and the F.S.L., Patna submitted its report but the petitioners raised objection about the sufficiency and clarity of the report of the F.S.L. On the objection of the petitioners/plaintiffs the order was passed on 20.01.2016, by which, both sides were directed to file admitted thumb impression of Mahtabia Devi. In pursuance of the aforesaid order dated 20.01.2016, the defendants/respondents filed petition that the admitted thumb impression of Mahtabia Devi is available in the office of Metrological Registrar, Calcutta and office of District Sub Registrar, Patna Sadar and on such the learned Sub Judge ordered for calling of the aforesaid two records for taking print out and sending the same to F.S.L. for report. Later on, the plaintiffs filed petition withdrawing their objection against the report of the F.S.L. and the petition of the petitioners has been rejected.

It appears that once the petitioners raised objection about the reliability of the report of the F.S.L. and the comparison chart of the thumb impression of Mahtabia Devi, the court is justified in



getting the documents on which the finger print of Mahtabia Devi is available. Therefore, I do not find any merit in this Civil Miscellaneous petition.

Accordingly, this Civil Miscellaneous petition is dismissed.
The court shall dispose of the suit expeditiously.

(Prabhat Kumar Jha, J)

Amit/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.05.2018
Transmission Date	NA

