

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.2118 of 2017**

=====

1. Dhirendra Kumar Singh @ Ashok Kumar Singh @ Ashok Kumar son of Late Harivansh Narayan Singh Resident of Village - Bariyarpur, P.O. - Bada Bariyarpur, P.S. - Chhatauni (Motihari), District - East Champaran.

.... Petitioner/s

Versus

1. Ramadhar Singh son of Late Basudeo Singh
2. Munna Singh son of Ramadhar Singh Both residents of village - Bariyarpur, P.O. - Bada Bariyarpur, P.S. - Chhatauni (Motihari), District - East Champaran.
3. Smt. Rima Devi wife of Dhirendra Kumar Singh @ Ashok Kumar Singh @ Ashok Kumar
4. Ram Babu Singh @ Ravi Nandan Singh son of Late Harivansh Narayan Singh
5. Radhe Shyam Singh son of Late Harivansh Singh
6. Vinod Prasad Singh son of Late Basudeo Singh
7. Most. Raj Kumari Kuer wife of Late Ramayan Singh 3 to 7 are R/o Village - Bariyarpur, P.O. - Bada Bariyarpur, P.S. - Chhatauni (Motihari), District - East Champaran.
8. Smt. Nutan Devi wife of Santosh Kumar, Santosh Kumar son of Ram Priya Das @ Bideshwar Pandey Both R/o Village - Chota Bariyarpur, P.S. - Chhatauni (Motihari), District - East Champaran.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Madhurendra Kumar

For the Respondent/s : Mr.

=====

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

2 10-08-2018

Heard learned counsel for the petitioner.

The petitioner has filed this civil miscellaneous petition against the order dated 08.11.2017 passed in Title Suit No.313 of 2013 by which the petition of the petitioner for taking the specimen signature of defendant No.5 and sending the same to F.S.L. for comparison with the signature of the defendant No.5 on



first written statement allegedly filed by defendant No.5 along with defendant Nos.6 to 8 has been rejected.

Defendant No.5 appeared in the suit and filed petition along with power and written statement stating therein that he came to know that on his behalf by forging his signature somebody else filed power and written statement although he did not put any signature on the vakalatnama and first written statement. Defendant No.5 admitted his signature on second power and second written statement on such, the learned Sub Judge sent the written statement along with first vakalatnama and second written statement with power admittedly signed by defendant No.5 to F.S.L. for comparison on 20.07.2017 but thereafter the petitioner-defendant No.1 in the suit filed petition for direction to the defendant No.5 to give specimen signature in presence of Seristedar so that his signature may be compared with the signature alleged to have been forged on the first vakalatnama and the first written statement filed on behalf of defendant No.5 but the learned Sub Judge has erroneously rejected the petition. It is submitted that defendant No.5 also put his signature on first vakalatnama and written statement but later on he retracted from the fact of putting signature on vakalatnama and written statement, therefore, in the interest of justice he should be directed to give



specimen signature for comparison of the disputed signature of defendant No.5 but I find no substance in the submission of the learned counsel for the petitioner. The defendant No.5 himself admitted his signature on the second vakalatnama and written statement and the admitted signature along with disputed signature on first vakalatnama and written statement were sent to F.S.L. for comparison. Therefore, the question of taking specimen signature of defendant No.5 before the Seristedar and sending the same for comparison does not arise as the defendant No.5 himself admitted his signature on second vakalatnama and written statement filed by him.

Accordingly, I do not find any merit in this civil miscellaneous petition and the same is dismissed.

(Prabhat Kumar Jha, J)

Saurabh/-

U			
---	--	--	--

