

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1537 of 2017**

1. Smt. Phulwaso Devi, W/o Sri Janardan Pandey,
2. Sri Janardan Pandey, S/o Late Ganga Pandey, Both resident of Balua, P.s.- Krishnagarh Deoria, District- Bhojpur, at present address B/7- Phoolwa Niwas, Near Beur Jail, P.S.- Beur, (Old P.S. Phulwarisharif), District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through Land Secretary, Govt. of Bihar.
2. Smt. Sharda Gupta, W/o Sri Rajendra Prasad Gupta,
3. Manish Kumar Gupta @ Guudu Kumar,
4. Ratesh Kumar Gupta @ Ritesh Kumar, Both sons of Rajendra Prasad Gupta, All resident of Mauza Pakri Atwarpur, Old P.S. Phulwarisharif, New P.S.- Parsa Bazar, District- Patna.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Navin Kumar
For the Respondent/s	:	Mr. Avinash Kumar
		Mr. G.P.OJHA -GA7

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

3 25-01-2018 Heard the learned counsel for the petitioners.

The petitioners have filed this civil miscellaneous petition against the order dated 04.04.2017 passed in Title Suit No.150 of 2003 by which Sub Judge IV, Patna rejected the petition of the petitioner for examination of the signature and thumb impression of plaintiff no.1, 2 and husband of plaintiff no.2 on the ground that the expert opinions after examination of the signature of plaintiff nos.1, 2 and husband of plaintiff no.2 are already on record which have been marked as Ext. 6 to 6/H.

The learned counsel for the petitioners submits that the petitioners filed petition to mark the sale deed executed by



the plaintiff in favour of defendant No.1, rent receipts and the certified copy of the order passed in mutation case. Petitioner also prayed that the plaintiff Nos.1, 2 and husband of plaintiff no.2 be directed to give signature and their thumb impression so that same may be examined by expert. It is submitted that the plaintiff executed sale deed on 30.05.1992 in favour of defendant No.1, Smt. Phulwaso Devi and husband of the plaintiff no.2 also put signature thereon but the plaintiff declined that they executed any sale deed in favour of defendant No.1 and the sale deed is forged and fabricated. Therefore, the signature and thumb impression of the executant of the sale deed and the witnesses thereon are very relevant but it appears from perusal of the order impugned as well as the order dated 25.01.2012, Annexure A of the counter affidavit that petitioner-defendant No.1 earlier filed petition for taking the signature and thumb impression of the executant and witnesses of the sale deed dated 30.05.1992 for examination by expert and comparison with the signature and thumb impression. The petition was allowed. The executant and witnesses of the sale deed gave their signature and thumb impression for examination by experts. The experts also submitted report which have been marked as Ext. 6 to 6/H.



Therefore, I find that the petition of the petitioner again for the same purpose is with an intention to delay the disposal of the case and the suit is running for argument since 2013.

Accordingly, I do not find any illegality or material irregularity in the order impugned and thus, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

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