

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.962 of 2018

=====

1. Dharmendra Kumar Singh, Son of Sri Nagendra Singh, resident of Mohalla Koshi Colony, Katihar, Police Station Katihar, District- Katihar.

.... Appellant/s

Versus

1. Niranjana Roy, Son of Late Sardar Roy, resident of Teja Tola, Ward NO. 5, North of Central School, Katihar, at present Resident of Village Vishnupur, Sukkan Tola, Post office Mirjapur Bandwar, Police Station and District Begusarai.

2. Bipul Chandra Dutta, Son of Late Nalini Kant Dutta, resident of Colony No. 1, Katihar, Police Station Katihar, District- Katihar.

.... Respondent/s

=====

Appearance :

For the Appellant/s	:	Mr. K.N. Choubey, Sr. Adv. Mr. Ashok Kumar Garg Mr. Yogendra Kr. Dwiwedy
For the Respondent/s	:	Mr. Ravindra Kumar Mr. Braj Bhushan Poddar

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 24-07-2018 Heard Mr. Kamal Nayan Choubey, learned senior counsel appearing on behalf of the petitioner.

The petitioner is aggrieved by the impugned order by which the petition of the petitioner for sending the admitted and disputed signatures of Niranjana Roy, defendant/respondent no. 1, to any other expert for comparison has been rejected.

The petitioner is the plaintiff in the Court below.

Mr. Kamal Nayan Choubey, learned senior counsel for the petitioner, submits that the Court vide order dated 28.08.2015 directed the office to send admitted and disputed



signatures of Niranjana Roy, the defendant, to the F.S.L, Patna and Kolkata for their comparison and report but the admitted and disputed signatures of Niranjana Roy was only sent to F.S.L, Patna. The petitioner filed petition on 02.02.2018 with a prayer that admitted and disputed signatures of Niranjana Roy be sent to any other expert for their examination and comparison in accordance with law as the report of the Finger Print expert of F.S.L, Patna is unscientific and not worth reliable but the Court illegally rejected the petition of the petitioner holding that if the petition of the plaintiff/petitioner is allowed the process of sending the admitted and disputed signatures of Niranjana Roy shall be an endless process on simple ground that if the report does not suit the plaintiff, the plaintiff would again file petition for sending admitted and disputed signature of Niranjana Roy to any other expert.

Having considered the submissions of the learned senior counsel for the petitioner and on perusal of the records, I find that of course the Court vide order dated 28.08.2015 ordered to send the admitted and disputed signatures of Niranjana Roy to F.S.L., Patna and Kolkata for examination and report but the admitted and disputed signatures of Niranjana Roy were sent to F.S.L. Patna only. The plaintiff did not raise any objection. When



the report of the Finger Print expert, F.S.L, Patna was received and Finger Print expert was examined and thoroughly cross examined by the plaintiff, the plaintiff filed the present petition for sending the admitted and disputed signatures of Niranjana Roy to any other expert. The plaintiff at the initial stage did not file any petition for sending the admitted and disputed signature of Niranjana Roy to two experts. Now after cross examination of the experts, such petition is filed only because the report does not suit the plaintiff. If the prayer of the plaintiff is allowed, the process of sending the signatures for examination shall be an endless process.

Taking into consideration the facts aforesaid, I do not find any illegality or jurisdictional error in the impugned order. Accordingly, the Civil Misc. petition is dismissed.

(Prabhat Kumar Jha, J)

BKS/Rajan

U			
---	--	--	--

