

HIGH COURT OF CHHATTISGARH, BILASPUR
WP227 No.27 of 2017

Mantora Bai D/o Late Lalsingh Patel (W/o Nanderam), aged about 40 years, Caste Marar, Occupation – Agriculturist, R/o Village Motimpur, Police Station and Tahsil Bodla, District Kabirdham (CG)

---- Petitioner

Versus

1. Palatram S/o Ughoram, aged about 56 years, Caste Marar, Occupation – Agriculturist, R/o Village Motimpur, Police Station and Tahsil Bodla, District Kabirdham (CG)
2. Dukhiya Bai, D/o Late Lalsingh (W/o Late Dhansingh) aged about 80 years, Caste Marar, R/o Village Motimpur, Police Station and Tahsil Bodla, District Kabirdham (CG)
3. The State of Chhattisgarh, Through the Collector, Kabirdham, District Kabirdham (CG)

Respondents

For Petitioner : Mr.R.K.Pali, Advocate

For Respondent No.1: None present though served

For Respondent No.2: Mr.Vishwanath Shrivastava, Advocate

For Respondent No.3: Mr.Adi Raj Surana, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

27.11.2018

1. By the impugned order, the plaintiff's application for examining the will in question by finger-print expert has been rejected by the trial Court.
2. Learned counsel for the petitioner would submit that the will executed by her mother Kanchan Bai in favour of defendant No.1 is forged and fabricated and in view of that, the plaintiff filed an application that thumb impression of Kanchan Bai be examined through hand-writing expert, which has been rejected by the trial Court granting liberty in favour of the plaintiff to get the document examined through hand-writing expert and file the report, which is

unsustainable and bad in law.

3. I have heard learned counsel for the petitioner and perused the impugned order.
4. The trial Court while rejecting the application has given liberty in favour of the plaintiff to get the document in question examined through finger-print expert and to prove the same in accordance with law. In the considered opinion of this Court, the liberty granted will serve the purpose of the plaintiff. In view of above, the petitioner/plaintiff is at liberty to get the questioned document examined through hand-writing expert and submit report and to prove the same in accordance with law.
5. With the aforesaid observation, the writ petition finally stands disposed of. A copy of this order be sent to the concerned trial Court. No cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-