

HIGH COURT OF CHHATTISGARH, BILASPUR

WP(227) No. 98 of 2018

Jitu @ Khileshwar Sinha, S/o. B.R. Sinha, Aged About 35 Years, R/o. Shanti Nagar Ward No.3, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

---- Petitioner

Versus

1. Asu Arya @ Raihana Begum, W/o. Jitu @ Khileshwar Sinha, Aged About 35 Years.
2. Kaish @ Bhojram, S/o. Khileshwar Sinha, Aged About 11 Years.
3. Ku. Sana Sinha, S/o. Khileshwar Sinha, Aged About 5 Years.

Respondent No.2 & 3 are Minor through Legal Guardian Mother Asu Arya @ Rehana Begum, W/o. Jitu @ Khileshwar Sinha, R/o. Under Over Bridge Chikhli, Ward No. 4, Rajnandgaon, District- Rajnandgaon, Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Manoj Kumar Jaiswal, Advocate
For Respondents	:	Mr. S.K.Mishra, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

13.02.2018

Heard

1. Learned counsel for the petitioner submits that the present petition is against the order dated 24.11.2017 which would show that two applications which has been preferred by the petitioner for examination of the hand-writing expert and another is under Order 7 Rule 14 (3) of C.P.C. though was filed, it was undecided.
2. The petition could be as vague as it could be. What is the complaint made what relief actually claimed is not at all clear. The petition for examination of the hand-writing expert purports that some forged document of income and date of birth has been filed by the respondents who are the wife and children. This Court is unable to understand as to how authenticity of the said document can be decided by a hand-writing expert, if the petitioner is

sanguine of the fact that the document is not been issued by the concerned authority then in such case it can be rebutted by the authority who have issued it not by a third party i.e. hand-writing expert. Likewise, the application under Order 7 Rule 14(3) of C.P.C., the petitioner is a respondent before the Court and has prayed to file certain document and it is stated that the wife has made a wrong statement that she is not doing any job. The said fact cannot be decided by the application and can only be decided when the evidence is adduced by the respective parties. Consequently, I do not find any reason to entertain this petition since the relief claimed by the petitioner can only be decided after the evidence produced before the Court below and not by this petition, as facts enumerated as matter of evidence. Consequently, the petition has no merit and accordingly it is dismissed.

Sd/-
(Goutam Bhaduri)
Judge