

**HIGH COURT OF CHHATTISGARH, BILASPUR****WRIT PETITION (227) No. 47 of 2013**

Ramesh Kumar Arora, S/o Shri Tarachand Arora, aged about 48 years, R/o Camp No. 2, Bhilai, Tahsil and District Durg (C.G.).....(Plaintiff)

---- **Petitioner**

**Versus**

1. Wajirchand, S/o Shri Ishardas, aged about 62 years, R/o Block No. 3, shop No. 7-8, Camp – 2, Bhilai, Tahsil and District Durg (C.G.)

(Defendant)

---- **Respondent**

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| For Petitioner | : | Mr. Kshitiz Sharma, Advocate. |
| For Respondent | : | Mr. B. D. Guru, Advocate.     |

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**Hon'ble Shri Justice Sanjay K. Agrawal**

**Order On Board**

**06/09/18**

1. The petitioner's application under Section 45 of the Indian Evidence Act, 1872 (for brevity, 'Act') has been rejected by the impugned order dated 06.11.2012 (Annexure – P/1) against which this writ petition has been preferred.
2. Learned counsel for the petitioner submits that the impugned order is unsustainable and bad in law and deserves to be set aside.
3. I have heard learned counsel for the petitioner and perused the impugned order with utmost circumspection.
4. The trial Court has not assigned any reasons except holding that the subjected documents are not required to be examined by the hand-writing expert and as such, the trial Court has committed legal error in rejecting the petitioner's application. The impugned order is hereby set aside. The trial Court is directed to consider the petitioner's application under Section 45 of the Act afresh and decide the same by a reasoned and speaking order expeditiously, preferably within a period of ten days from the date of receipt

of copy of this order.

5. Let a copy of this order be sent to the trial Court for needful and compliance.

6. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

SD/-

**(Sanjay K. Agrawal)**  
Judge