

AFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (227) No. 542 of 2013**

1. Smt. Laxmi Bai Gupta, aged about 70 years, Wd/o Dvarika Prasad (Deceased)
2. Gopal Gupta, aged about 45 years, S/o Late Dvarika Prasad
3. Shankar Gupta, aged about 40 years, S/o Late Dvarika Prasad.

All resident of Chantidih, Tehsil and Distt. Bilaspur

---- **Petitioners**

Versus

1. Narendra Gupta alias Girdhar Gupta aged 55 years, S/o Late Dvarika Prasad.
2. Sanjay Gupta, aged about 40 year, S/o Late Dvarika Prasad.
3. Raghunath Gupta, aged about 52 years, S/o Late Dvarika Prasad.

All resident of Chantidih, Tehsil and Distt. Bilaspur

---- **Respondents**

For Petitioners	:	None present
For Respondents	:	None present

Hon'ble Shri Thottathil B. Radhakrishnan, Chief Justice

Order on Board

09/03/2018

1. This writ petition under Article 227 of the Constitution of India is against an interlocutory order issued by the trial Court during the course of a civil suit.
2. The Petitioners applied for scientific examination of certain disputed signatures by the experts. The trial Judge refused such request. That is under challenge.
3. There is no absolute rule that in all cases of disputed signature, reference must be made to an expert. Expert is expected only to assist the Court to reach at the conclusion and the decision regarding the acceptability or not of a particular signature rests squarely on the Court.
4. The impugned order is one which is in the course of trial of a civil suit. The question whether the signatures were to be referred for expert opinion is a question that is always open even before the appellate stage. An issue relatable to due process in trial is itself a matter that would be open for

consideration in a first appeal, in civil jurisdiction, under Section 96 of the Code of Civil Procedure.

5. No situation of failure of justice during the course of trial is established. There is no exceptional ground or established case of miscarriage of justice, which calls for exercise of jurisdiction under Article 227 of the Constitution of India to secure the ends of justice in the case in hand.
6. For the aforesaid reasons, this writ petition fails.
7. Hence and resultantly, leaving open the right of the Petitioners to seek relief, in accordance with law, against the impugned order during the course any first appeal or further appeal that they may institute, if ultimately decree goes against their interest, this writ petition is dismissed.

Sd/-

(Thottathil B. Radhakrishnan)
CHIEF JUSTICE