

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 875 of 2018**

1. Brijmohan Agrawal S/o Late Shri Kalicharan Agrawal, aged about 59 years,
Occupation – Buisness, R/o Danipara, Raigarh, Tahsil and District Raigarh
(C.G.) **---- Petitioner**

Versus

1. Brajbhushan Pradhan S/o Somnath Pradhan R/o Delsara, Tahsil Sitapur,
District Sarguja (C.G.) **--- Respondent**

For Petitioner : Shri Alok Pandey, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****09/10/18**

1. By the impugned order dated 29.08.2018, the petitioner / plaintiff's application for getting the subject documents examined by the hand-writing expert has been rejected by the trial Court 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 relied upon the decision of the M.P. High Court in the case of *Asharam and Another v. Suraj Singh Baghel and Others*¹.

3. The trial Court has clearly recorded a finding that the petitioner's application dated 21.01.2013 filed under Section 73 and 43 of the Evidence Act was granted on 07.10.2015 but the plaintiff did not take any further action for appointment of the hand-writing expert and the evidence of both plaintiff and defendant have been closed and thereafter filed an application to delay the trial of the suit and as the suit is pending since 2010 the trial Court rejected the said application.

1 W.P. No. 1980 of 2009

4. The trial Court has assigned sufficient and valid reasons for rejecting the said application. The plaintiff has failed to avail the opportunity which has been granted by the trial Court by order dated 07.10.2015 and as such, I do not find any illegality in the impugned order.

5. Accordingly, the writ petition deserves to be and is hereby dismissed. No cost(s).

6. A copy of this order be sent to the trial Court through concerned District Judge by Fax.

SD/-

(Sanjay K. Agrawal)
Judge