

S/L. 36.
11.11.2019
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**Calcutta High Court
In The Circuit Bench At Jalpaiguri
Appellate Jurisdiction**

C. O. 52 of 2019

Kalyan Saha
-Vs.-
Namar Choudhury & Others

Mr. Amalesh Roy,
Mr. D. Dhar
... for the petitioner.

Ms. Suman Sehanabish
...for the opposite parties.

The revisionist is a plaintiff in a suit for declaration and injunction. Subsequent to an interim pleadings being filed the defendant claiming to have purchased the same property from the predecessor in interest of the vendor of the plaintiff in the year 1959. The vendor of the plaintiff purchased the property in the year 1964. The plaintiff himself purchased the property from the successor-in-interest of his original vendor in the year 1993.

The revisionist-plaintiff thereupon applied and succeeded in getting his plaint amended to challenge the title deed of the defendants claiming interpolation and/or forgery. The plaintiff then made an application for appointment of

handwriting expert to determine as to whether there has been interpolation on the documents of title of the defendants. The Court below has rejected such application.

This Court cannot find no fault with the impugned order dated 2nd August, 2019.

It is made clear that in the event the defendants introduce their documents through any of their witnesses it shall be open to the plaintiff to approach to have the same marked for identification.

The plaintiff shall only thereafter apply in the Court below for appointment of any handwriting expert to determine the veracity and writing on the documents relied upon by the defendants.

It is requested that T.S. No. 7 of 2014 now pending before the Civil Judge, Jr. Div., Mathabhanga be disposed of within a period of 4 months from the date of communication of a copy of this order without granting any unnecessary adjournment to any of the parties.

With the aforesaid observations, the revisional application is disposed of.

Photostat certified copy of this order,
if applied for, be supplied to the parties
on urgent basis.

(Rajasekhar Mantha, J.)