

HIGH COURT OF CHHATTISGARH, BILASPUR**WP227 No. 213 of 2019**

Ajmat Ali, S/o Shri Hasamad Ali, aged about 32 years, R/o Mohrabada,
Juni Line Bilaspur Tahsil and District Bilaspur, Chhattisgarh

---- Petitioners/ Defendants

Versus

1. Abdul Wahid Khan son of Abdul Rahim Khan, aged about 72 years
Plaintiff No. (1)(A)
 2. Smt. Shanaz Parvin, Wd/o Shahayar Khan, Aged about 57 years,
resident of Karbala Road, Ravi Das Chowk, Bilaspur, District Bilaspur,
Chhattisgarh
Plaintiff No. (1)B-i (A)
 3. Rubina Begum D/o Shaharyar Khan, aged about 29 years, residnet of
Samta Colony Talapara Bilaspur, District Bilaspur, Chhattisgarh
Plaintiff No. (1)B-i (B)
 4. Smt. Noorjaha, wife of Mukhtar Ahmad, aged about 60 years
Plaintiff No. (1)B-ii
 5. Abdul Wahab Khan, Son of Abdul Wahid Khan, Aged about 42 years
Plaintiff No. (1)(C)
 6. Rafiq Ullah Khan S/o Shami Ullah Khan, aged about 50 years
Plaintiff No. (1)(D)
- Plaintiff No. 1, Plaintiff No. 1(B) & Plaintiff No. 1(B-i) are died
Respondent No. 1 to 6 are resident of Juni Line Bilaspur, District
Bilaspur, Chhattisgarh
- Respondent NO. 1D is resident of Yadav Mohalla, Village Mohra,
Tahsil and District Bilaspur, Chhattisgarh Tahsil and District Bilaspur,
Chhattisgarh
7. Samsunisha W/o not know (Ex-husband Abdul Rajjak) aged about
45 years, Resident of Baloda, ate present Talapara, Near Ramjani
Baba Maszid, Bilaspur Tahsil and District Bilaspur Chhattisgarh
Defendant No. 1
 8. Abdul Mukim Khan, son of Abdul Sattar Khan, aged about 30 years
Defendant No. 2
 9. Abdul Mujib Khan son of Abdul Sattar khan, aged about 20 years
Respondents/ Defendants No. 1 to 3 are resident of Village Mohra,
Tahsil and District Bilaspur Chhattisgarh
Defendant NO. 3
 10. State of Chhattisgarh, through the Collector Bilaspur, District
Bilaspur, Chhattisgarh
Defendant No. 4

11. Kamrul Nisha, Wd/o Hasmad Ali, Aged about 69 years, R/o Juni Line Bilaspur, District Bilaspur, Chhattisgarh

Defendant No. 5A

12. Shamim Begum W/o Shabir D/o Hasmad Ali, aged about 48 years, resident of Village Barbuli, Post Office Pathariya, Tahsil Takhatpur, District Bilaspur, Chhattisgarh

Defendant No. 5B

13. Nasim Begum, W/o Not known, D/o Hasmad Ali, Aged about 45 years, Resident of Village Khamariya, Up Tahsil Seepat, Tahsil Masturi, District Bilaspur Chhattisgarh

Defendant No. 5C

15. Akram Ali s/o Hasmad Ali, Aged about 35 years, resident of Mohrabada, Juni Line, Bilaspur, Tahsil and District Bilaspur Chhattisgarh

Defendant NO. 5E

16. Sayad Asmat Ali, S/o Sayad Yasin Ali, aged about 45 years, resident of Pratappur, Tahsil and District Mungeli, at present R/o Yadunandan Nagar, Near Mazid Tifra Bilaspur, Tahsil and District Bilaspur, Chhattisgarh

Defendant No. 6A

17. Mubarak Ali son of Meer Gulab Ali, Resident of Pratappur, Tahsil and District Mungeli, Chhattisgarh

Defendant NO. 7

18. Smt. Noorjaha, Wife of not known Resident of Katiyapara Durg, District Durg, Chhattisgarh

Defendant no. 8 A

19. Smt. Nilofar, Wife of Alim Khan, resident of Subhash Nagar, Durg, District Durg, Chhattisgarh

Defendant No. 8B

20. Firoz @ Baba, Son of not known, resident of Housing Board Colony, near Cricket Maidan, Bhilai, District Durg, Chhattisgarh

Defendant No. 8C

21. Smt. Ajija Begum, wife of Abdul alim, aged about 45 years, Resident of Juni Bilaspur, Tahsil and District Bilaspur, Chhattisgarh

Defendant No. 10

Defendants No. 5, 6, 8 & 9 are died.

---- Respondents

For Petitioner : Mr. Anurag Verma, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20.03.2019

1. Petitioner/defendant No. 5 has filed this writ petition questioning the impugned order dated 10.10.2018 by which his application for examining the questioned document by handwriting expert has been rejected.

2. Learned counsel for the petitioner submits that the trial Court is absolutely unjustified in rejecting application by recording a finding which is contrary to law.

3. I have heard learned counsel for the petitioner and perused the records with utmost circumspection.

4. The trial Court has recorded sufficient reason for rejecting his application for examining the document by handwriting expert as the suit was filed on 26.11.2002 and trial is in advance stage. The finding recorded by the trial Court is neither perverse nor contrary to the record. I do not find any illegality and perversity in the said finding. However, liberty is reserved in favour of the plaintiff to examine the questioned document by handwriting expert and produce the same before the Court and thereafter to proceed in accordance with law.

5. With the aforesaid observation, the writ petition is finally stands disposed of.

Sd/-

(Sanjay K. Agrawal)

Judge