

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1809 of 2019**

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Satyendra Kumar Shahi S/o Late Bansh Bahadur Shahi Resident of Village- Langarpura, P.S.- Mairwa, District- Siwan.

... .. Petitioner

Versus

1. Shila Singh W/o Jai Gopal Singh Resident of Village- Langarpura, P.S.- Mairwa, District- Siwan.
2. Prem Lata Singh Daughter of Bibhuti Narayan Singh Resident of Village- Langarpura, P.S.- Mairwa, District- Siwan.
3. Manju Singh W/o Keshav Singh Resident of Village- Langarpura, P.S.- Mairwa, District- Siwan.

... .. Respondents

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Appearance :

For the Petitioner : Mr. Prabhakar Singh, Advocate.

For the Respondents : Mr. Shailendra Kumar Dwivedi, Advocate.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 24-01-2020

The present application has been filed “*against the order dated 16.11.2018 passed in Misc. Case No. 39 of 2011 by the learned Sub-Judge-XI, Siwan whereby and whereunder after concluding trial and after final argument of both the parties, when the date was fixed for order on 20.01.2018, the learned Sub-Judge has passed an order and accepted the application dated 28.06.2018 filed by respondents for verification of the signature of late Gopalji Shahi (father of respondents) from F.S.L. Hyderabad.*”

2. Learned counsel for the plaintiff/opposite party/petitioner submits that the learned Court below has erred in allowing the application dated 28.06.2018 filed by the respondents for verification of the signature of their father Gopalji Shahi based on the photo copy of the expert report submitted by the plaintiff/opposite party/petitioner. It is submitted that such verification could only have been with reference to the original



signature of Gopalji Shahi and not the photo copy of the expert report.

3. Learned counsel for the respondents appears and fairly accepts that the disputed signature of Gopalji Shahi can be verified only with reference to his original admitted signature. It is further stated that subsequently a further petition has been filed on 10.12.2019 by the respondents for such purpose.

4. Having heard the parties and on consideration of the submissions made, it would appear that the verification of signature of Gopalji Shahi has been required on the basis of a photo copy of the expert's report as requested by the respondents. Needless to say, verification of the disputed signature with admitted signature can only be made on the basis of originals and not with reference to photo copy.

5. In the above view of the matter and with consent of parties, the impugned order dated 16.11.2018 in Misc. Case No. 39 of 2011 passed by the learned Court of Sessions Judge-XI, Siwan is set aside and the matter remitted to the learned Court below to pass fresh orders after considering the application dated 10.12.2019 filed by the respondents, if pending, in accordance with law.

6. The petition stands disposed of.

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	29.01.2020
Transmission Date	N.A.

