

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.372 of 2022

1. Prabhawati Devi @ Prabha Devi Wife of Baldeo Singh Resident of Village and P.O. and P.S.-Patahi District-East Champaran.
2. Kalawati Devi Wife of Birendar Singh Resident of Village-Kritpur Mathia, P.O. and P.S.-Harsidhi, District-East Champaran. At Present Resident of Village and P.O.-Ganga Pipra, P.S.-Paharpur, District-East Champaran.
3. Srimati Renu Devi Wife of Prushotam Singh Resident of Village and P.O.-Ganga Pipra P.S.-Paharpur District-East Champaran.
4. Kamlesh Devi @ Kamalesh Devi Wife of Vinod Kumar Singh @ Vinod Kumar Pandey Resident of Village-Fatua, P.O.-Mahta Tola P.S.-Harsidhi District-East Champaran.

... .. Petitioner/s

Versus

Ramchandra Thakur Son of Late-Gaya Thakur Resident of Village and P.O.-Ganga Pipra, P.S.- Paharpur District-East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anshuman, Advocate Mr. Madhav Jha, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL JUDGMENT

Date : 30-06-2022

Heard Mr. Anshuman, learned counsel for the petitioners.

2. The petition filed by the petitioners before the learned Additional District Judge-XVI, in Probate Case No. 6 of 2001 for comparing the signature of Nandlal Thakur (Testator) over the compromise petition filed in Partition Suit No. 56 of 1956, be compared with the signature made over in the two sale deeds dated 5.5.1986 and 16.5.1986 respectively has been rejected.



3. Learned counsel for the petitioners submits that the learned court below has rejected the request of the petitioners for comparison of the signature of the testator from two sale deeds on the ground that earlier the signature of Nandlal Thakur (Testator) made over the compromise petition filed in partition Suit No. 56 of 1956 has already been compared by the Forensic Science Laboratory Finger Print expert with the Deed of Will in question. Submission is that in other words the opinion of the finger print expert has been taken as sacrosanct by the court below which is not permissible under Section 45 of the Evidence Act.

4. I have heard learned counsel for the petitioners and perused the impugned order.

5. The learned Additional District Judge-XVI, East Champaran at Motihari, has come to the conclusion that the signature of Nandlal Thakur (Testator) has already been compared with his signature made over the compromise petition filed in Partition Suit No. 56 of 1956 and the case is pending since 2001 and is fixed for argument.

6. Having considered the submission of learned counsel and after going through the impugned order, I find that signature of the testator has already been compared by the



Forensic Science Finger Print expert and there is no necessity to re-compare the same from the two sale deeds produced by the petitioners.

7. In such view of the matter, I am of the opinion that the learned court below has not committed any illegality in rejecting the petition filed by the petitioners.

8. Accordingly, this application stands dismissed.

(Anil Kumar Sinha, J)

S.Ali/-

AFR/NAFR	
CAV DATE	
Uploading Date	01.07.2022
Transmission Date	

