

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.560 of 2022**

Niraj Kumar Vedpuriya Son of Satya Narain Vedpuriya, Resident of Village-
Mujhauriya, P.S. Majhauriya, District - West Champaran.

... .. Petitioner/s

Versus

Bhagwati Shankar Gupta Son of Late Rameshwar Prasad, Resident of Village
-Mujhauriya, P.S. Majhauriya, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Gopal Pandey
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

2 10-11-2022 Heard Mr. Gopal Pandey, learned counsel for the
petitioner.

2. The respondent, Bhagwati Shankar Gupta filed a
Probate Case No. 13/2014 on the basis of deed of will dated
11.10.1982 purported to be executed by Awadh Bihari Prasad
and his wife late Jaimurti Devi.

3. The petitioner filed a petition on 26.02.2021 before
the trial court praying therein to call for a report of expert and
further on 23.04.2022 filed another petition stating therein that
Forensic Science Department has demanded more documents
of the same period but the documents as required by the
Forensic Science Department could not be procured.
Accordingly, in the interest of justice, the report from private
expert be called for regarding signature of testator and his wife.



This prayer of the petitioner has been rejected by order dated 05.05.2022 on the ground that the process of verification of the signature is established and if the Forensic Department was not in a position to compare the signature with the help of documents which was not of the same period and there was difference of about 14 years from the demanded document of the same period. As such, the private expert can also be not in a position to compare the same documents which was produced before the Forensic Department and cannot give a better report.

4. Accordingly, I do not find any infirmity in the order dated 05.05.2022.

5. Another order dated 28.05.2022 has also been challenged by which the learned trial court has refused to entertain the petition filed by the petitioner on the ground that a similar prayer of the petitioner was rejected by order dated 06.04.2016 which was challenged before this Court in Civil Miscellaneous Jurisdiction Case No. 1491 of 2016 and this Court after arriving at the finding that the proceeding book of Rameshwar Dayal Middle School, Manjhauliya is not an admitted document and the petitioner in his written statement has no-where pleaded about the said proceeding book, rejected the petition filed by the petitioner *vide* order dated 08.01.2019.



Further, learned trial court also came to the conclusion that without details of the bank account of Punjab National Bank, Manjahuliya, being provided by the petitioner, prayer for the petitioner cannot be allowed inasmuch as the bank cannot be directed to produce the signature of testator merely on the speculation and without any details of the bank account.

6. Accordingly, I do not find any illegality and perversity in the orders impugned dated 05.05.2022 as well as 28.05.2022. As such, this petition is dismissed.

(Anil Kumar Sinha, J)

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