

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.415 of 2021**

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Malti Devi wife of Ranjit Kumar Singh, daughter of Late Radheshyam Singh,
resident of Mohalla- New Area, P.S. and District- Aurangabad.

... .. Petitioner/s

Versus

Ajit Kumar Singh S/o Late Deoprayag Singh, resident of Mohalla- New Area
nearer Hotel Khana Khajana, P.S. and District- Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Siddharth Harsh Mr. Arjun Kumar Jha
For the Respondent/s	:	Ms. Vagisha Pragya Vacaknavi

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**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

4 25-04-2022 Heard the learned counsel for the petitioner as well as
the learned counsel for the respondent.

The petitioner has challenged the order dated 07.02.2020 passed in Probate Case No. 5/2013, whereby the learned court below has sent the original sale deed executed by Testator, Deo Prayag Singh to the Forensic Science Laboratory (herein after referred to as 'the FSL') for comparing the signature on the Will deed with the signature on the sale deed, as the petitioner has disputed the signature of Testator, Deo Prayag Singh on the above-mentioned sale deed.

The learned counsel for the petitioner has submitted that earlier some documents were sent to the FSL for comparison of the signature on the sale deed, but the FSL, vide



its letter no. 285 dated 27.08.2019, informed the concerned court that the Will deed was of the year 1994, whereas the documents on which the signatures were present of Deo Prayag Singh, were of the year 1985 and 1986, which are not in proximity to the time of the Will deed executed. After receipt of that letter, the learned court below has sent the sale deed executed by Deo Prayag Singh in the year 1988. As per submission of the learned counsel, it is also not in proximity with the time as required by the FSL vide letter no.285. The learned counsel has also submitted that there are some discrepancies in the report of the FSL.

The learned counsel for the respondent has submitted that it has wrongly been mentioned in paragraph 11 of the petition that the impugned order was passed on the application of the respondent, but as a matter of fact, it has been passed on the petition of the petitioner. The learned counsel has also submitted that vide letter no. 285, the parties were required to submit the admitted signature for its comparison with the disputed signature. The petitioner could not send any paper. She has also mentioned that in letter no. 285, it has specifically been mentioned that at least six admitted signatures in ordinary course of daily routine of the Testator should have been sent. In



pursuance of the requirement of letter no. 285, the respondent has submitted sale deed executed by the Testator. When the report of the FSL has been received in the court below, mentioning therein that the disputed signature did not tally with the admitted signature, the petitioner has raised voice against that. The learned counsel has submitted that at the time of transmission of the sale deed, no objection was raised by the petitioner.

It is an admitted fact that the opinion of FSL has been received. So far as its recitals are concerned that may be raised at the final hearing of the probate case. By the impugned order, the learned court below has only sent the sale deed for comparing the signature on the disputed sale deed.

I do not see any reason to interfere with the impugned order. Accordingly, this civil miscellaneous petition is being dismissed. The probate case shall be disposed of on its own merit without being prejudiced by this order.

(Nawneet Kumar Pandey, J)

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