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Ct. 18
07.03.2022

**C.O. No. 1090 of 2018
(Via Video Conference)**

**Golam Rasul Sarkar & Ors.
Vs.
Ayesha Siddika & Ors.**

Mr. Partha Pratim Roy,
Mr. Sarbananda Sanyal ... For the petitioners.

Mr. Kaushik Dey,
Ms. Marisha Mullick ... For the opposite parties.

The revisional application under Article 227 of the Constitution of India is at the instance of the plaintiffs in a suit for declaration and is directed against Order No. 46 dated January 04, 2017 passed by the Additional Court of learned Civil Judge (Junior Division) at Lalbagh, District – Murshidabad in the said suit being Other Suit No. 34 of 2012.

The defendants are claiming title over the suit property on the basis of a deed executed by one Naitan Bewa, the plaintiffs are challenging the legality and validity of the said deed.

The plaintiffs in the suit filed an application for appointment of a hand writing expert to compare the signature and L.T.I of the said Naitan Bewa appearing in the impugned deed with that of her signature appearing in Exhibit 2 and another

deed allegedly executed by the said Naitan Bewa on January 06, 1997.

The learned Trial Judge by the order impugned has dismissed the said application holding that signature of the said Naitan Bewa appearing in Exhibit 2 is not a signature admitted by the defendant and the plaintiff never disclosed the existence of the deed dated January 06, 1997.

There is no admitted signature of the said Naitan Bewa in the record, therefore, the learned Trial Judge is absolutely justified in dismissing the said application for appointment of a hand writing expert.

This Court does not find any reason to interfere with the order impugned. C.O. 1090 of 2018 is dismissed without any order as to costs.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance with all requisite formalities.

(Biswajit Basu, J.)