

IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C). No.2979 of 2005

Sidheswar Palei

....

Petitioner(s)

Mr.S.K.Dash. Advocate

-versus-

Maheswar Sutar & Anr.

....

Opp.Party(s)

CORAM:

JUSTICE BISWANATH RATH

ORDER

26.08.2022

Order No.

13.

1. Heard learned counsel appearing for the petitioner.
2. Even entering into the merit involving the case, this Court finds there has been allowing of sending of signature of particular person i.e. thumb impression of Sabi Dei and signature of Maheswar Sutar to be identified by the executants involving a sale deed for a comparison and testing by Forensic Expert. The plaintiff therein in making such request has relied on the thumb impression of such person appearing to be in some other suit. The trial court after considering the objection of the present petitioner appears to have allowed such prayer resulting the present writ petition filed in 2005.
3. From the submission and perusal on record, this Court nowhere finds there has been no denial to availability of thumb impression of person involved even involving in other suit. Since the particular lady is not a party to the suit but however documents involved her is to be considered in the suit proceeding, for there is a dispute with regard to such signatures, for the opinion of this Court unless such signatures are verified and tested by the competent person by way of Forensic Expert report, there may not be effective adjudication of the suit. This Court further also observes comparison and testing of such signatures by expert cannot even prejudice to any party it is rather in the interest

of parties involving the suit but such consideration will however subject to have opportunity to party who is likely to suffer involving such report.

4. In the circumstances, this Court finds there is no infirmity in considering such request and passing the impugned order for which this Court declines to interfere with the same. The suit is pending 2001. Report if not received may be obtained within a period of two months and the suit be disposed of at least within a period of six months from the date of communication of certified copy of this order.

5. The writ petition thus stands disposed of.

(Biswanath Rath)
Judge



Sks