

04.09.2023
Sl. No.27(DL)
srm

C.O. No. 2666 of 2023

Abdul Hai Pakhira & Anr.

Versus

Oli Mahammad Kha & Ors.

Mr. Lakshminath Bhattacharya,
Mr. Rajib Kumar Acharya,
Mr. Banshi Badan Maity

...for the Petitioners.

The order impugned does not call for interference on the ground that the learned Civil Judge (Junior Division), 3rd Court at Tamluk, Purba Medinipur, in Title Suit No.31 of 2012, rightly held that the intention of the plaintiffs to compare the LTI of Maksed Ali Khan on some deeds, with the LTI in the deeds of the plaintiffs could not be allowed as those deeds were yet to be admitted in evidence. The true picture would be clear only when the evidence started. Therefore, at the very early stage, without any evidence, no fruitful purpose would be served by directing further examination by an expert.

It also appears that the prayer for appointment of a handwriting expert had been allowed and the report had also been filed. The prayer for appointment of the handwriting expert, which was allowed on March 14, 2016, also relates to signature of Maksed Ali Khan on various deeds. Allegation

was that the same were forged. Further direction for comparison of the LTI was turned down by the court in respect of some other deeds, which were yet to be tendered in evidence. The learned court declined such prayer as the same was not made at the appropriate stage.

The revisional application is, thus, dismissed.

There shall be no order as to costs.

Parties are directed to act on the basis of the sever copy of this order.

(Shampa Sarkar, J.)