

09.10.2023
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AN/Ct. No.25

CO 3099 of 2023

**Abdur Rasid Mandal & anr.
versus
Mohammad Abu Al Masud Rana & ors.**

Mr. Shibasish Chatterjee

... for the petitioners

The petitioners have challenged the Order No. 63 dated 21.07.2023 passed by the learned Civil Judge, Junior Division, Additional Court, Lalbagh, Murshidabad in Title Suit No. 264 of 2015.

By the said order, the application filed by the petitioners herein for appointment of an expert for comparison of the signatures and LTIs of the Executor of the deeds being no. 5826 dated 13.05.1996 and no. 5825 dated 13.05.1996 with the signatures and LTIs of the Executor of the deeds being no. 6633 dated 02.11.1989 and being no. 8811 dated 09.10.1985.

Learned counsel appearing for the petitioner submits that the learned trial judge rejected the prayer for appointment of an expert only on the ground that the deeds which are under challenge in the suit are registered documents.

The plaintiffs have alleged in the plaint that the defendants got the Hebanama deeds dated 13.05.1996 registered by way of false personification of their father

namely Nader Hossain. The learned trial judge noted that none of the witnesses of the plaintiffs vouched that there was false personification of Nader Hossain in connection with either execution or registration of the impugned deeds.

After going through the impugned order, this Court finds that the learned trial judge recorded that the plaintiff in the affidavit-in-chief have stated that they have acquired knowledge as to the existence of the registered impugned Hebanamas only after 27.08.2011 but from the certified copies of the deeds produced by the plaintiffs, it appeared that the plaintiffs were aware of the impugned Hebanamas dated 13.05.1996 since the year 2003. Learned trial judge also took note of the admission of PW 1 in cross-examination that their father Nader Hossain executed both the impugned Hebanamas in favour of the defendants.

It also appears from the records that inspite of being aware of the impugned deeds from 16.10.2003, the suit has been filed in the year 2011.

After going through the impugned order, this Court finds that the same is supported by cogent reasons. In view thereof, this Court is not inclined to interfere with the impugned order.

In the result, the instant civil revisional application stands **dismissed**.

There will be no order as to costs.

Urgent certified photostat copy of this order, if applied for, shall be given to the parties as expeditiously as possible on compliance of all necessary formalities.

(Hiranmay Bhattacharyya, J.)