

04.01.2024
Sl. No.9(DL)
srm

C.O. No. 1826 of 2022
Shovarani Sarkar & Anr.
Versus
Krishna Gopal Mondal & Ors.

Mr. Nilanjan Pal

...for the Petitioners.

Mr. Bibek Jyoti Basu,
Mr. Uttam Kummar De

...for the Opposite Party Nos.4 to 9.

The revisional application has been filed challenging orders dated March 13, 2015 and May 13, 2022 passed by the learned Civil Judge (Junior Division), 1st Court at Rampurhat, Birbhum, in Title Suit No.124 of 2007.

By the order dated March 13, 2015, the learned court below had directed the departmental authority, i.e. the District Registrar, Suri, Birbhum, to send the documents along with the signature and thumb impression of the original plaintiff, which was kept in the safe custody of the SDR, to the Director, QEDB, C.I.D., Bhavani Bhawan, Kolkata, for examination and comparison of the LTI and signature.

The LTI of the plaintiff, since deceased, which was taken in court, was sent to the appropriate authority along with the thumb impression, signature, etc. appearing in the volume

book at the registry office. The expert had given opinion and filed two reports. The petitioners raised objection in respect of the said opinion. The court allowed evidence of the expert to be recorded. The objections of the petitioners were not accepted by the court. The petitioners raised objection with regard to the qualification of the expert and also with regard to the method applied.

The learned court below, by the subsequent order dated May 13, 2022, provisionally accepted the reports of the handwriting expert as well as the finger print expert, *inter alia*, holding that the said reports would be considered along with other evidence at the time of final hearing. The learned court was of the view that the expert was appointed by the appropriate authority. The expert had performed such examination in different departments. The signature and the LTI of the deceased plaintiff, as obtained in court, were compared with the signature and LTI of the plaintiff in volume book, which was in the safe custody of the registry office. If the original deed was not produced, there will be a presumption against the defendants in the suit which is not to be looked into at this stage. Moreover, the corroborative value of the reports will be decided at the final hearing. The volume book contained the LTI and signature of the erstwhile plaintiff.

When the LTI and the signature of the plaintiff were obtained in court and the court had directed the district registry to send the documents containing the signature and LTI of the deceased plaintiff to the appropriate authority for examination and for expert opinion, the plaintiff did not raise any objection. The sole plaintiff died and the heirs of the plaintiff have now come up with an objection in this regard when the entire process of examination is over and the reports have been filed after the examination was conducted by the appropriate authority.

Under such circumstances, this Court does not find any reason to interfere with the orders impugned.

Accordingly, the revisional application is dismissed.

There shall be no order as to costs.

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

(Shampa Sarkar, J.)