

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.99 of 2021

Binod Singh @ Binod Kumar Singh S/o Rameshwar Singh Resident of
Chakki Gopalpur Raja Bazar, Motiahri, East Champaran

... .. Petitioner/s

Versus

1. Bharat Singh S/o Awadh Bihari Singh Resident of Gopalpur, Raja Bazar, Ward No.-34, P.S.-Town Motihari, District-East Champaran.
2. Malti Devi W/o Baleshwar Singh Resident of Gopalpur, Raja Bazar, Ward No.-34, P.S.-Town Motihari, District-East Champaran.
3. Madhuri Devi W/o Hari Ratan Singh, D/o Awadh Bihari Singh Resident of Sauhari, Lakhaura, Barwa, P.S.-Lakhaura, District-East Champaran.
4. Ramdeo Singh S/o Permeshwar Singh Resident of Mohalla-Gopalur, Raja Bazar, Ward No.-34, P.S.-Nagar Motihari, Post-Motihari, District-East Champaran.
5. Uday Singh S/o Permeshwar Singh Resident of Mohalla-Gopalur, Raja Bazar, Ward No.-34, P.S.-Nagar Motihari, Post-Motihari, District-East Champaran.
6. Suman Singh S/o Permeshwar Singh Resident of Mohalla-Gopalur, Raja Bazar, Ward No.-34, P.S.-Nagar Motihari, Post-Motihari, District-East Champaran.
7. Pramod Singh S/o Rameshwar Singh Resident of Mohalla-Gopalur, Raja Bazar, Ward No.-34, P.S.-Nagar Motihari, Post-Motihari, District-East Champaran.
8. Dinesh Singh S/o Rameshwar Singh Resident of Mohalla-Gopalur, Raja Bazar, Ward No.-34, P.S.-Nagar Motihari, Post-Motihari, District-East Champaran.
9. Meera Devi D/o Rameshwar Singh Resident of Vilalge-Pakhi, Sauhari, P.S.-Chaudadani, District-East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Arbind Kumar Singh, Advocate Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Kamala Kant Tiwary, Advocate Mr. Kundan Rathore@ Kundan Kumar

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 20-03-2025

Heard learned counsel for the parties.

2. The petitioner is aggrieved by the order dated



17.12.2020 passed by learned Sub Judge IX, Motihari whereby and whereunder the application of the petitioner seeking comparison of thumb impression of one Phool Devi on a document marked Exhibit A/1 and Exhibit B with some registered document containing the thumb impression of Phool Devi has been rejected.

3. Learned counsel for the petitioner submits that the learned trial court passed the impugned order without assigning any reason and mentioning that the documents filed on behalf of the defendant no. 1/petitioner was a photocopy but the same is an error of record as Exhibit A/1 and Exhibit B are originals and not photocopies. Learned counsel submits that the impugned order could not be sustained.

4. However, the contention of the learned counsel for the petitioner is opposed by learned counsel appearing on behalf of the respondent no. 1. Learned counsel further submits that the application has been running at the stage of evidence of the defendants and still instead of concluding their evidence, the defendant no. 1 chose to file such application. Learned counsel for the respondent submits that the impugned order needs no interference by this Court.

5. Having regard to the facts and circumstances and



rival submission of the parties and from perusal of the impugned order it is apparent that the petitioner made a vague prayer before the learned trial court and sought for direction to the plaintiff that if he is having any registered document containing the thumb impression of Phool Devi to produce the same for comparison of the thumb impression. Unless the petitioner brings on record the details of such document containing the thumb impression of the lady Phool Devi and seek permission of the Court to get it compared with the thumb impression existing on Exhibit A/1 and Exhibit B, such prayer is meaningless. The petitioner could not ask the Court to pass orders without furnishing details of any such document. So far as error of record is concerned, the petitioner ought to have moved before the Court for correction in the order with regard to the error which has crept in. Therefore, in the light of the aforesaid discussion, I am of the opinion that the learned trial court did not commit any jurisdictional error in passing the impugned order dated 17.12.2020 and hence, the same does not need any interference by this Court and is affirmed.

6. Accordingly, the present petition stands dismissed.

7. However, the petitioner is at liberty to approach the learned trial court with details of some document from which



the comparison of the thumb impression of the lady Phool Devi

could be made and the learned trial court would consider such

application in accordance with law.

(Arun Kumar Jha, J)

Anuradha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	22.03.2025
Transmission Date	N/A

