

16.01.2025
(D/L-174)
Ct.-22
(Nandita)

IN THE HIGH COURT AT CALCUTTA
CIVIL REVISIONAL JURISDICTION

C.O. 859 of 2023

Smt. Swarnalata Maity & Anr.

-Vs-

Sri Tapas Kumar Maity

Mr. Srikanta Dutta,
Mrs. Rituparna Sarkar Dutta

... For the Petitioners.

Supplementary affidavit is filed and
taken on record.

This revisional application has been
filed by assailing the order dated 3rd January,
2023 passed in connection with Probate Case
No. 11 of 2017, wherein the Learned
Additional District Judge, 3rd Court, Tamluk
refused the prayer of the two applications filed
on behalf of the opposite parties dated 15th
February, 2022. One application was filed
with prayer for summoning the school register
and another application for sending it to the
hand-writing expert for examination.

This is a Probate Suit revolving around
issue of legitimacy of four signatures of
alleged testator of the Will.

The opposite party filed one application
to find out an admitted signature of the
testator and another application with a prayer

for communication of the questioned signature and admitted signature to the expert for examination.

Learned Judge rejected both the applications on the ground that the signature on the school register which was called for evidence, adduced by the parties, is not an admitted signature. Learned Judge recorded in his finding that the signature was denied by the petitioner in course of evidence.

In the aforesaid view of the matter, I am not inclined to stand in the way when learned Judge recorded his finding that the signature of school register is not an admitted signature for the purpose of comparing with the questioned signature in the alleged Will.

At this stage, learned counsel appearing on behalf of the petitioner has submitted that liberty may be given to the petitioner to file an application afresh along with an admitted document.

As a sequel, the revisional application stands dismissed.

However, liberty is given to the petitioner to file application for comparing the questioned signature afresh on production of an admitted document to the satisfaction of the learned Trial Judge.

All the parties shall act on the server copy of the order duly downloaded from the official web site of this Court.

Urgent Photostat certified copy of this order, if applied for, be given to the parties on usual undertakings.

(Bibhas Ranjan De, J.)