

Sl. 8
01.05.2025
Court No.6
BP

C.O. 1414 of 2025

Srimatya Jharna Shit & Ors.
-versus-
Srimanta Shit & Ors.

Mr. Amit Baran Dash
Ms. Ankana Sarkar
..for the petitioners

Mr. Kalipada Chakraborty
..for the opposite party no.2

This application under Article 227 of the Constitution of India is at the instance of the plaintiff and is directed against an order being no.54 dated March 13, 2025 passed by the learned Civil Judge (Junior Division), 2nd Additional Court, Contai in Title Suit No. 20 of 2021.

By the order impugned the application filed by the petitioners herein for appointment of a finger print expert to compare the L.T.I. appearing in deed no. 5126 dated 22nd July, 1987 and deed no. 3756 dated 5th April, 1976 in the name of Srimanta Shit with the L.T.I. of the impugned deed of exchange no.5127 dated 22nd July, 1987 was rejected.

The learned advocate appearing for the petitioners submits that the deed no. 5126 dated 22nd July, 1987 and deed no. 3756 dated 5th April, 1976 also contains the signature of Srimanta Shit and for such reason the

L.T.I. of Srimanta Shit in the said two deeds are to be compared with the L.T.I. of Srimanta Shit in the deed of exchange being no. 5127 of 22nd July, 1987.

Heard the learned advocate for the opposite party on such submission.

The dispute in the suit is with regard to validity of the thumb impression of Srimanta Shit in the registered deed of exchange being deed no. 5127/1987 dated 22nd July, 1987. It is not in dispute that an application filed by the first defendant praying for examination and for comparison of the thumb impression of Srimanta Shit as appearing in the exchange deed no.5127 dated 22nd July, 1987 with the specimen L.T.I. of Srimanta Shit taken before the Court was allowed by the learned trial judge by an order dated August 29, 2024.

It is not in dispute that pursuant to the said order the L.T.I. of the executor of the said deed has already been collected vide order no.51 dated October 7, 2024. Since the L.T.I. of the executor of the deed has been collected and the learned trial judge allowed an earlier application for comparison of the L.T.I. of Srimanta Shit as appearing in the impugned deed with the L.T.I. of such person collected through the court, the learned trial judge rejected the present application filed by the plaintiff herein.

This Court is of the considered view that since the signature of the executor of the impugned deed was

collected in court for comparison with the signature of Srimanta Shit in the impugned deed of exchange, the learned trial judge was right in rejecting the application filed by the plaintiff herein.

For the reasons as aforesaid, C.O. 1414 of 2025 stands dismissed.

There shall be, however, no order as to costs.

Urgent certified photocopy of this order, if applied for, be supplied to the parties expeditiously on compliance of usual legal formalities.

(Hiranmay Bhattacharyya, J.)