

03.12.2025
Ct. No. 06
Item 51
Cp

C.O. No. 2099 of 2025

Ramasankar Gupta @ Show & Ors.
Vs.
Smt. Saroj Devi & Ors.

Ms. Shebatee Datta
Ms. Poulami Roy

.....for the petitioners.

1. The petitioners are aggrieved by the order dated May 7, 2025, passed by the learned Civil Judge (Junior Division), 4th Court, Howrah, in Misc. Case No. 23 of 2007, arising out of Title Execution Case No.15 of 1997.
2. The petitioners filed an application for examination of the signature of late Betani Debi appearing on exhibit 2 by a hand writing expert, upon comparison with exhibits A and F.
3. A misc. case was filed under Order 21 Rules 97, 98, 99, 101 and 103 of the Code of Civil Procedure by the opposite parties Nos. 1 to 8. The petitioners had sought for execution of exparte decree of eviction passed in Title Suit No. 142 of 1985. The opposite party nos. 1 to 8, resisted the execution on the ground that they were thika tenants in respect of the suit property. It was stated that Smt. Betani Debi had inducted Bhola Singh, the predecessor of the opposite

party nos. 1 to 8, as a monthly premises tenant under her and permitted Bhola Singh to construct a structure on the said land, at his own cost. The petitioners claim to be the owners of the said premises by virtue of inheritance from late Betani Debi.

4. According to the opposite party nos. 1 to 8, Betani Debi had surrendered her right in respect of the said thika property by executing a deed of relinquishment dated August 23, 1963. The suit was decreed ex parte against the opposite party nos. 1 to 8 who are the heirs and legal representatives of Bhola Singh, in respect of whom Betani Debi had allegedly, relinquished all her right and interest in the thika property. Parties had adduced evidence. The deed of relinquishment was marked as exhibit being exhibit-2.
5. The petitioners filed series of signatures of Betani Debi being counterfoils of the rent receipts issued by Betani Debi when she was acting as a receiver of the High Court. Those documents were marked as exhibit – A series with objection. Another document being exhibit –F was also marked which bore the signature of Betani Debi as per the petitioners' version. The same was also marked with objection. Thereafter, an application was filed for comparison of the signature of Betani Debi on the deed of declaration and/or relinquishment (exhibit-2) with the signatures of Betani Debi in

exhibit-A series and exhibit-F. The court was of the view that the signature of Betani Debi in exhibit-A series and exhibit-F could not be taken as admitted signatures as those documents were marked exhibits with objection.

6. Ms. Datta, learned advocate appearing for the petitioners, submits that the court is expert of all experts and the court can compare the signatures.
7. This would have been possible had Betani Debi been alive and made to sign in front of the court. The question of sending the deed of relinquishment for comparison of the signature of Betani Debi did not arise inasmuch as, unless both parties agreed that the signatures on exhibit-A series and exhibit-F were those of Betani Debi, there cannot be any comparison.
8. Under such circumstances, the order impugned is upheld.
9. However, if in future both the parties admit the signature of Betani Debi on any document then, the petitioners are at liberty to take steps in accordance with law and the learned court will decide such issue independently.
10. Accordingly the application is disposed of. The Misc. Case shall proceed.

11. There shall be no order as to costs. Parties are to act on the server copy of this order.

(Shampa Sarkar, J.)