

17.12.2025
Ct. No. 6
Sl. No.8
akd/pk

C. O. 3378 of 2025

[Bijay Lakshmi Bera -Vs- Kanai Lal Jana (since deceased) repd. by Smt. Nirmala Jana &Ors.]

Smt. Bijay Lakshmi Bera .. Petitioner [in person]

1. The petitioner is aggrieved by an order dated February 06, 2025 passed by the learned Civil Judge (Junior Division), 2nd Court, Tamluk, Purba Medinipur. The learned court rejected an application filed by the petitioner who is the defendant no. 2/gha in Title Suit No. 3517 of 2015. By the said application, the petitioner prayed for appointment of a handwriting expert, to examine the handwriting/signature of the deceased plaintiff viz. Kanai Lal Jana on a money receipt dated July 23, 1988. The learned court was of the view that the said receipt was not essential for adjudication of the real dispute between the parties. The suit was filed in 1997. A deed containing the signature of Kanai Lal Jana (since deceased) had been sent to the handwriting expert for comparison earlier on the prayer of the defendants. Although, the said defendant had the money receipt, no prayer was made for sending the receipt to the handwriting expert for scientific examination.
2. The court recorded that during cross-examination of PW 1, he deposed that, did not know whether his father had issued any money receipt or not. PW 1 was not cross-examined to identify or comment on the signature of Kanai Lal Jana (since deceased). As such there was no evidence of PW 1, specifically denying the signature of Kanai Lal Jana (since deceased).

Therefore, the question of sending the money receipt for scientific examination did not arise.

3. I am in agreement with the learned court. The defendant no. 2/gha incorporated the factum of the receipt dated July 23, 1988 in the amended written statement. The same has been admitted in evidence and marked as Exhibit 'L'. The petitioner is yet to adduce oral evidence. She can prove the document.

4. Under such circumstances, the court has specifically recorded that there was no denial of the signature of Kanai Lal Jana on Exhibit 'L', examination by a scientific expert is not required.

5. With the aforesaid observations, the revisional application is disposed of.

6. There shall be no order as costs.

7. All parties are to act on a server copy of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)