

AD-13
Ct No.16
21.02.2025
TN

CO 3731 of 2024

Sri Amit Kumar Ghosh @ Amit Ghosh
Vs.
Sri Ashok Kumar Ghosh

Ms. Tuli Sinha

.... for the petitioner

1. The present revisional application has been filed challenging the refusal of an application for appointment of a handwriting expert made by the defendant/petitioner in a suit for partition, in order to ascertain the veracity of the purported signature of the petitioner on the acknowledgment due card pertaining to the summons served on the petitioner.
2. Learned counsel for the petitioner argues that although the petitioner is actually Amit Ghosh, the plaintiff in the suit has been proceeding on the mistaken presumption that the petitioner is one Amit Kumar Ghosh. As such, to establish the identity of the petitioner, such appointment of handwriting expert is necessary.
3. I find from the impugned order that the learned Trial Judge arrived at the conclusion that in view of appearance of the defendants, who are already contesting the suit, the acknowledgment due card relating to the summons or the signature thereupon

become redundant for consideration and the application is dilatory.

4. I do not find any quarrel with such proposition and am *ad idem* with the view of the learned Trial Judge, since after the appearance of the petitioner/defendant in the suit and upon his contesting the suit, the question of veracity of the signature on the acknowledgment due card pertaining to the summons becomes irrelevant.
5. In any event, the identity of the petitioner or the proof thereof does not hinge upon the purported signature of the petitioner on the acknowledgment due card accompanying the summons. The petitioner, in any event, is at liberty to prove his identity by way of independent evidence, either documentary or oral, in the suit.
6. Accordingly, no case has been decided against the petitioner by the impugned order and no interference is called for.
7. CO 3731 of 2024 is accordingly dismissed, without any order as to costs, in the light of the observations made above.
8. Urgent photostat certified copies of this order, if applied for, be made available to the parties upon compliance with the requisite formalities.

(Sabyasachi Bhattacharyya, J.)