

In the court of Civil Judge (Sr. Division)-VI, Patna City

TS 15/1992

Order

27-08-2024

Plaintiffs are in attendance and they are represented through their learned counsel.

Today the record is put for order on the petition dt. 19-01-2017 filed on behalf of plaintiffs. No rejoinder has been filed in reply to the above petition.

Heard both the sides and perused the case record. From the perusal of case record it appears that the plaintiff has filed this suit for declaration that the sale deed dt. 20-08-1986 is sham, fraudulent, fabricated and further for decree of possession, directing the defendants to remove the materials from the suit premises and to hand over possession of the same to the plaintiffs, as well as prayed for some other reliefs. Petitioner/plaintiffs by the present petition contended that sale deed dt. 20-08-1986 alleged to had been executed by Saryug Prasad, is a forged and fabricated document and it does not bear Saryug Prasad's signature. So, Signature of Saryug Prasad be get scientifically compared with his admitted signature (Original passbook of Saryug Prasad of PNB) by handwriting expert and plaintiffs are ready to bear the cost of Handwriting and Fingerprint Expert. By way of rejoinder, defendant no. 1 opposed the petition under rejoinder and said that after partition between Saryug Prasad and Jamuna Prasad, there was no joint family and being a rightfull owner, Saryug Prasad sold the premises to the defendant No. 1 through registered sale deed dt. 20-08-1986, therefore reject the petition dt. 19-01-2017 filed by the plaintiff.

This court is of the view that there is necessity of comparison between Saryug Prasad's signatures, which is said to be on sale deed dt. 20-08-1986 and his admitted signataure in his concerned bank.

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Hence, after considering the above facts and circumstances, this court in the interest of justice deems it proper to allow the petition dt. 19-01-2017, filed on behalf of plaintiffs and accordingly, plaintiffs are directed to call for original signature/LTI, registered in concerned bank and further send it to Handwriting & Fingerprint Expert for comparing Saryug Prasad's signature said to be on sale deed dt. 20-08-1986 and his admitted signature registered in concerned bank. Plaintiffs are also directed to bear the cost of Handwriting & Fingerprint Expert for the same. Put on 07-10-24 for further proceeding.


Civil Judge (Sr. Division)-VI
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