

24/04/17

Today the date is fixed for hearing of petition dated 12.12.16 by the plaintiffs.

Both parties are present through their conducting lawyer. The Ld advocate for the defendant filed WO. Ld adv for the plaintiff filed two original deeds bearing no 2410/1989 and 5549/88 by firisti.

The petition dated 12.12.16 for examination of finger print by expert is taken up for hearing.

Heard the Ld advocate for the plaintiff who submits that it is very necessary for proper adjudication of the suit, to compare finger print of plaintiff no-1 & Maleka Bewa with the finger print lying on the impugned deed in their name. It is also stated that the plaintiff no-1 and Maleka Bewa never executed the impugned deed in favour of defendants. The defendants by practising fraud and false personification has got registered the deed in respect of suit property. To ascertain this facts, expert opinion is required.

Ld. lawyer for the defendants raised objection and submitted that there is no admitted documents so executed by Maleka Bewa. The documents filed by the plaintiffs today by firisti, are not admitted documents and these documents are beyond pleadings of plaintiffs. As such, these documents can not be considered to sample documents with which the impugned deed can be compared.

Heard. Perused. On perusal of the case record it appears that the plaintiffs have challenged that the plaintiff no-1 and Maleka Bewa have not executed the impugned deed. The impugned deed is product of false personification. Maleka Beaw passed away. From the documents filed by plaintiff tofday, it reveals that these are registered deed executed by Maleka Bewa and plaintiff no 2 in the year 1988 and 1989. These documents can be considered to be sample documents to compare with impugned deed. Although the defendant raised objection against these deeds, but there is nothing in the WO as to why then Court shall not put its reliance upon the documents. Mere not in pleadings, can not be sole ground to discard the documents to be sample of finger print of Maleka Bewa.

Accordingly, I am inclined to allow the prayer of the plaintiff. But from the record it reveals that the defendants did not file the original of impugned deed.

Accordingly, defendants are directed to submit the original deed by next date.

The LTI of Maleka Bewa so appeared in deeds bearing no 2410/1989 and 5549/88 are considered as sample Finger print of Maleka Bewa and marked as "S".

The Finger print of plaintiff no-1 has not taken till yet. Accordingly, plaintiff no-1 is directed to present before the Court on next date fixed.

24/04/17.....contd.

Accordingly, it is

ORDERED

that the instant petition dt 12.12.16 be and the same is allowed on contest but without any order as to cost.

Further order will be passed after taking LTI of plaintiff no-1 in open Court and after submitting original impugned deed by the defendants.

To _____- for appearance both parties and taking LTI of plaintiff no-1 and submitting original impugned deed by the defendants and further order.