



2026:CGHC:12824



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WP227 No. 311 of 2026

Jaimini Rathore Wd/o Jaisingh Rathore Aged About 61 Years R/o Purani
Basti Kharsiya, District Raigarh Chhattisgarh

... Petitioner

versus

1 - Sitaram S/o Karma Chouhan Aged About 65 Years R/o Village Acharit
Pali, Tahsil Malkhroda, Post Chhapora, District Janjgir-Champa (Now Sakti)
Chhattisgarh

2 - Ramakant Divya S/o Late D.R. Divya Aged About 47 Years R/o Dhinvra,
Post Office Birra, Tahsil Jaijaipur, District Janjgir-Champa Chhattisgarh

3 - Santosh Kumar S/o Parmeshwar Gavel Aged About 56 Years R/o Village
Dongiyya, Post Office Sulauna, Tahsil Malkharoda, District Janjgir Champa
(Now Sakti) Chhattisgarh

4 - Ashok S/o Parmeshwar Gavel Aged About 50 Years R/o Village Dongiyya,
Post Office Sulauna, Tahsil Malkharoda, District Janjgir Champa (Now Sakti)
Chhattisgarh

5 - Rajendra S/o Parmeshwar Gavel Aged About 46 Years R/o Village
Dongiyya, Post Office Sulauna, Tahsil Malkharoda, District Janjgir Champa
(Now Sakti) Chhattisgarh

6 - State Of Chhattisgarh Through The Collector Janjgir-Champa (Now Sakti)
Chhattisgarh

... Respondents

(Cause-title taken from Case Information System)



For Petitioner : Mr. Ishwar Jaiswal, Advocate

For Respondent No.6/State : Ms. Isha Jajodia, Penal Lawyer

Hon'ble Shri Justice Ravindra Kumar Agrawal

Order on Board

17/03/2026

Heard.

1. This is a writ petition under Article 226 of the Constitution of India filed by the petitioner/plaintiff against the order dated 24-01-2026, passed by learned First Civil Judge Senior Division, Sakti, District Janjgir-Champa, whereby the application filed by the petitioner/plaintiff for examining the documents filed by the plaintiff from handwriting expert has been rejected.
2. Learned counsel for the petitioner would submit that the petitioner is the plaintiff in the civil suit filed before the learned trial Court in Civil Suit No. 10-A/2021. He is prosecuting a civil suit for specific performance of the contract dated 25-01-2013, which was executed by the defendant No. 1 for the total consideration of Rs. 4,30,000/- in lieu of total 5 acres of this land of various khasra numbers situated at village Acharit Pali, Tehsil Malkharauda. He would further submit that during the evidence of the defendant recorded on 29-11-2025 when he denied his signature over the subject agreement, he moved the application for examining the signature of the defendant No. 1 by the handwriting expert as he denied his signature over the document. He would further submit that no prejudice is being caused to any of the parties if the signature of the defendant No. 1 would be examined by



the handwriting expert. Although the case was closed for judgment but the judgment has not been passed till date and in between that the plaintiff has filed his application. The learned trial Court has rejected the application by saying that the civil suit is pending since 2021 and till date the evidence was concluded and after conclusion of the trial the application has been filed, which is not acceptable and has rejected the same. He would further submit that the valuable right of the plaintiff is being affected by rejection of the application as he has no other way to get the signature of the defendant No. 1 proved except by examining the same from the handwriting expert. Therefore, the application may be allowed and the impugned order may be set aside.

3. I have heard learned counsel for the petitioner and perused the material annexed with the petition.
4. It transpires from the document annexed with the writ petition that the plaintiff/petitioner has filed a civil suit on 10-02-2021 before the learned trial Court for the specific performance of the contract. In which the defendant No. 1- Sitaram has filed his written statement on 25-04-2023. In the written statement the defendant No. 1 has clearly denied the execution of agreement and other documents. It further transpires that the defendant No. 1 was examined and cross-examined on 29-11-2025 and again denied his signature over the documents (exhibit P-1, P-2, D-1 & D-2), and thereafter, on various dates the case was listed for the final arguments. Ultimately, on 23-01-2026, the plaintiff has filed his application for examination of the documents from the handwriting expert. The said application was rejected on 24-01-2026 and on the same day the final arguments were heard and the case was fixed for passing of the judgment. It has been observed by the



learned trial Court that the defendant No. 1 has filed his written statement on 25-11-2023 in which he has denied the execution of the agreement and he has been examined on 29-11-2025 and denied his signature over the documents. The civil suit filed by the plaintiff is pending since 2021 and the evidence of the parties have already been closed and after the considerable period of closing of the evidence of the parties, the present application has been filed which is not bona fide and has ultimately rejected the application. When the plaintiff was well within knowledge from the date of filing of the written statement by the defendant No. 1, he ought to have taken recourse to law to get the signature of the defendant No. 1 examined by the handwriting expert or through any other mode to prove that it was the signature of the defendant No. 1, but in the present case, he came with the application after a substantial delay.

5. Since the matter has already been closed for passing of the judgment, I do not find any scope for interference to allow the application of the petitioner and to permit him to get the signature of the defendant No. 1 examined by the handwriting expert. Accordingly, the writ petition filed by the plaintiff/petitioner is liable to be and hereby **dismissed**.

Sd/-
(Ravindra Kumar Agrawal)
Judge

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