

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Writ Jurisdiction)
W.P. (C) No. 1860 of 2019

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Smt. Malti Devi			Petitioner
Versus			
Ravindra Singh & Others			Respondents

CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO

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For the Petitioner	:	Mr. Amar Kumar Sinha, Advocate. Mr. Sandeep Verma, Advocate.
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For the Respondents	:	
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05/08.08.2022.

Heard, learned counsel for the petitioner, Mr. Amar Kumar Sinha assisted by learned counsel, Mr. Sandeep Verma.

Learned counsel for the petitioner has submitted that so far defect no. 1 is concerned, the same shall be removed within a period of two weeks.

Learned counsel for the petitioner has further submitted, that defendant / petitioner has preferred this writ petition against the impugned order dated 12.12.2017 passed by learned Civil Judge (Junior Division)-II, Palamau at Daltonganj in Title Suit No. 02/2001, whereby the learned court below has allowed the petition of the plaintiff to send the documents (original sale deed dated 27.3.1989 and original Bakshish deed dated 11.6.1988) to finger print expert for his opinion misconstruing the provision contained in Section 45 of the Indian Evidence Act and also for quashing the order dated 21.12.2018, whereby the learned court below has allowed the application filed by the plaintiff permitting their personal photographer to take photographs of L.T.I. Of Amerika Kuer.

Learned counsel for the petitioner has further submitted that the Original LTI can be sent for comparison as it has been done by the learned court below in terms of order dated 04.09.2008 by sending the photograph of Bakshish deed dated 11.06.1998 for comparison before the CID, Patna, but subsequently, a reminder was also issued in terms of order dated 23.01.2014 (Annexure-4) and when the report was not received, the photocopy of same has been sent to the Director, Finger Print Expert and Bureau, Government of Jharkhand, Ranchi vide impugned order dated 12.12.2017 (Annexure-5), but from perusal of

Annexure-7, the plaintiff has categorically stated in para-2 of her application that plaintiff has consulted photographer namely, Sadam Ansari to take the photograph of the L.T.I. of the Amerika Kuer put in the sale deed dated 27.03.1989 and the alleged Bakshish deed dated 11.06.1998, which was allowed vide impugned order dated 21.12.2018 (Annexure-9).

Learned counsel for the petitioner has submitted, that so far the photographs of the admitted document has been sent to the CID Patna or the Director, Finger Print Expert Bureau, Government of Jharkhand, the petitioner / defendant has no objection, but on the basis of photograph taken by private photographer of the plaintiff namely, Sadam Ansari, as the same shall be taken by the Court on the basis of the authorized photographer from the Forensic Science Laboratory, Jharkhand, as such, writ petition has been filed before this Court.

Let notice be issued upon respondent nos. 1, Ravindra Singh, 2. Harendra Singh, 3. Surendra Singh (Nos. 1 to 3, sons of Late Saryu Singh) and 4. Kanta Singh, son of Late Bishwanath Singh, 5. Bahadur Singh, son of Late Bishwanath Singh, all residents of Village – Polpol, P.O. and P.S. - Daltonganj, District – Palamau under Speed Post, for which requisites etc. must be filed by Friday i.e. 12.08.2022.

Office is directed to track the Speed Post delivery.

It is made clear that if the photographs taken by the private photographer has not been sent to the Forensic Science Laboratory, Jharkhand, Ranchi, the impugned order shall remain stayed.

Even, if the same has already been sent to the Forensic Science Laboratory, the report shall not be opened till further orders.

The plaintiff should explain that if such photograph is taken by the experts of the Forensic Science Laboratory, Jharkhand, Ranchi, then how the plaintiff is prejudiced.

Let the matter appears after service of notice.

Let a copy of order be communicated to the trial court through 'FAX'.

(Kailash Prasad Deo, J.)