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26.02.
2025
Ct. No.237

CO 3887 of 2024

**Uma Shankar Mundra
Vs.
Macadam Leisure Private Limited**

**Mr. Barun Ghosh
Mr. B. K. Singh
Mr. Jayanta Mitra
.....For the Petitioner**

The crux of the dispute in the instant suit is whether the petitioner herein had put signature on the unregistered agreement for sale dated 07.12.2019. Accordingly, the petitioner had made a prayer before the trial court for comparison of his admitted signature by a hand-writing expert with the signature appearing in the agreement but the learned trial court by the impugned order rejected petitioner's prayer, on the ground that the defendant has not stated anything in the petition about existence of document bearing his admitted signature, with which the comparison can be made by the hand-writing expert.

Learned counsel appearing on behalf of the petitioner submits that such finding on the part of the court below is absolutely perverse and cannot sustain as even in the absence of any such document, Court is empowered to take specimen signature of petitioner for comparison.

Petitioner is directed to serve a copy of the

application along with a notice intimating next date of hearing upon the opposite party through speed post and to file affidavit of service on the returnable date.

Having heard the learned counsel appearing on behalf of the petitioner and that the petitioner has made out an arguable case, which requires adjudication on merit, let all further proceedings of Title Suit No. 510 of 2020 be stayed for a period of eight weeks or until further orders, whichever is earlier.

Let the matter be listed under the heading “Contested Application” on 24th March, 2025.

(Dr. Ajoy Kumar Mukherjee, J.)