
(2019) 08 CHH CK 0052
Chhattisgarh High Court
Case No: WP227 No. 615 Of 2019

Reeta Ghoshal

APPELLANT

Vs

Ranjeet Mandal And Ors

RESPONDENT

Date of Decision: Aug. 7, 2019

Acts Referred:

- Evidence Act, 1872 - Section 45
- Code Of Civil Procedure 1908 - Order 26 Rule 10
- Constitution Of India, 1950 - Article 227

Hon'ble Judges: Sanjay K. Agrawal, J

Bench: Single Bench

Advocate: Priyanka Mehta, Sanjeev Kumar Agrawal

Final Decision: Disposed Of

Judgement

Sanjay K. Agrawal, J

1. By the impugned order dated 27/07/2019, petitioner's/plaintiff's application under Order 26 Rule 10 of CPC read with Section 45 of the Evidence

Act has been rejected by learned 1 st Additional District Judge, Ambikapur on the ground that the trial is at the verge of completion of plaintiff's

evidence against which this writ petition under Article 227 of the Constitution of India has been preferred by her.

2. Learned counsel for the petitioner/plaintiff submits that learned trial Court is absolutely unjustified in rejecting petitioner's/plaintiff's application by

the impugned order which is unsustainable and bad in law and relies upon the decision rendered by the Supreme Court in the matter of Damara

Venkata Murali Krishna Rao Vs. Gurujupalli Satvathamma1

3. I have heard learned counsel for the petitioner/plaintiff, considered her submissions and went through the records with utmost circumspection.

4. Be that as it may, petitioner/plaintiff is at liberty to get the questioned document examined by the handwriting expert and file his report expeditiously,

preferably within a period of two weeks from today and in that event, learned trial Court would consider the said report filed by the petitioner/plaintiff,

if any, in accordance with law subject to payment of cost of Rs. 2,000/- to defendant No. 4.

5. With the aforesaid observations, this writ petition stands disposed of. However, the respondent is at liberty to file suitable application for

modification of this order, if aggrieved. Certified copy, today.