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Manoj Kumar Das Vs. Kakali Das

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Court : Kolkata

Decided On : Mar-01-2013

Judge : Soumen Sen

Appellant : Manoj Kumar Das

Respondent : Kakali Das

Judgement :

GA No.505 of 2013 TS 9 of 2008 IN THE HIGH COURT AT CALCUTTA ORIGINAL SIDE IN THE GOODS OF ASIM KUMAR DAS (DECEASED) AND IN THE MATTER OF : MAnot KUMAR DAS VERSUS KAKALI DAS BEFORE: THE HONBLE JUSTICE SOUMEN SEN Date :

1. t March, 2013.

For the plaintiff : Mr.Sakya Sen,Advocate Mr.Chanchal Dutta,Advocate Mr.Amritam Mondal,Advocate Ms.Krishna Mallick,Advocate For the defendant : Ms.Puja Das Chowdhury,Advocate Mr.Joydeep Roy,Advocate The Court :- The instant application is for appointment of a hand writing expert at the instance of the caveator.

At the time of disclosure of documents the said Will was inspected.

But no step was taken for the Will to be examined by a hand writing expert to have examine the signatures appearing on the said Will.

The second attesting witness is already being cross examined.

At this stage the instant application has been filed for appointment of a hand writing expert to give his opinion with regard to the signatures of Asim Kumar Das in the said Will.

The application must have been filed in view of the fact that the original Will is in the custody of the Court and without a leave being obtained, the said Will cannot be inspected by a hand writing expert.

It would be open for the caveator to have the said Will inspected upon notice to the petitioner.

Such inspection shall take place in Court or in the Office of the Registrar with prior intimation to the Registrar, High Court, Original Side.

It would be open for the hand writing expert to take inspection of the photographs and the original Will in order to enable him to prepare a report.

It is made clear that this Court has not gone into the merits of the matter and this order is only confined to the prayer made to have the said Will inspected by a hand writing expert at the instance of the caveator.

In view of nature of order passed, this Court feels that no affidavit-inopposition is required.

The allegations made, however, are not admitted.

This application is thus disposed of.

All parties concerned are to act on a signed photocopy of this order on the usual undertakings.

(SOUMEN SEN, J.) S.Chandra AR(CR)

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