

30/10/2017

ORDER

The Clue-4 evidence forensic laboratory filed its investigation report in respect of disputed documents and given opinion that the disputed signatures and all the known signatures are one and same.

The defendant No. 3 filed objections in respect of above said opinion and contended that the opinion of expert is not enable under law and facts of the case.

Further it is contended that the expert authority has not evaluated all the documents separately and not followed the instructions specified in the affidavit. The signatures on own sentences, each signature is differce with each others and this fact is not properly verified by the expert authority and the said opinion is on the basis of imaginary and further contended that the said expert opinion is not the conclusion to for adjudication of suit. Hence, prays to reject the third opinion.

Heard arguments and perused expert opinion records.

On perusal of records. The defendants disputed their signatures and they have taken defence the signatures appeared on the loan transactions are not belongs to them. But, on perusal of expert opinion they opined that the signatures are one and same. Hence, the said expert opinion is essential to determine the case and it is necessary to give the conclusion and findings of the case. Moreover, in the objections defendants stated that the said expert opinion is not the final and it is not conclusive proof. The defendants rightly contended the said fact, so their contention is accepted as the expert opinion is not conclusive proof. On perusal of Evidence Act it is noticed that the expert opinion is third opinion and it is not conclusively unless and until the fact is proved. Hence, considering the above facts and circumstances I proceed to pass the following :

ORDER

Hence, the expert opinion dated:
20/04/2017 is hereby accepted.

For Further Plaintiff Evidence.

Call on : 18/11/2017.

(Sri.Kurani Kant Dhaku)
II.Addl. Civil Judge &
J.M.F.C.II., Dharwad