



CNR No UPKJ010033072021

Date of Institution 08-02-25 MM/DD/YY	Date of Judgement: 09-16-25 MM/DD/YY	Age: 0 Y, 1 M, 14 D
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**In the Court of District Judge Kannauj**  
**PRESIDING OFFICER- CHANDRODAY KUMAR H.J.S-UP06553**  
**Civil Revision No. 33/2025**  
**Jai Narayan Pandey vs. Arvind Trivedi & ors.**

**Revisionist’s Counsel- Shri Rakesh Bhattacharya**  
**Opposite party’s Counsel- Shri Rajiv Yadav.**

**JUDGMENT**

This civil revision arises from the order of the Civil Judge (S.D.), Kannauj, in Original Suit No. 203/2005, Jainarayan v. Arvind and Ors., wherein the learned Civil Judge (S.D.) Kannauj has allowed the application of defendant's application regarding seeking of handwriting expert's opinion after comparing the photocopy of the sale deed with the admitted original copy of the agreement to sell.

The epitomised facts of the case are that the plaintiff/revisionist filed a suit for the specific performance of an agreement to sell against the defendants/respondents. One Chandrika Prasad (Original Defendant No.1, on the death of Chandrika Prasad his son Arvind Trivedi has been substituted as Defendant No.1/1) is said to have executed an agreement to sell in favour of Jai Narayan Pandey (Plaintiff) on 05.08.1974, and thereafter a sale deed (registered) of the same property to Nirvikar Kaliya (Defendant No.2), Shiv Nath (Defendant No. 3) and Gorakh Nath (Defendant No.4) on 29.01.1983. Shiv Nath and Gorakh Nath, pendente lite, executed a sale deed of their share to AFNS Builders & Colonisers (Defendant No.5), and Nirvikar Kaliya, pendente lite, executed a sale deed of his share to Ram Dixit (Defendant No.6). The Parties filed the agreement to sell and the sale deed, which were on the record. Plaintiff filed his expert’s opinion report wherein both were found to be executed by the same person, i.e. Chandrika Prasad. The Court ordered the sale deed to be kept in the Court’s safe custody, from where it went missing. Then, the defendant applied for a comparison of the agreement to sell with a photocopy of the sale deed by his handwriting expert, which the trial court ordered as allowed, and this is the order under challenge in this revision.

Heard the arguments of learned counsels of contending parties and perused the records.

To answer the question of whether a court can order handwriting to be examined from a photocopy of a document, this court has to consider the technical issues and legal position.

Courts usually prefer the original document for handwriting comparison. This is because photocopies may distort fine details of pen pressure, ink flow, or natural variations in writing. Under the Evidence Act (Section 45), handwriting experts can be called to give an opinion. If only a photocopy is available, the expert may still attempt analysis, but their conclusions will carry less evidentiary weight. Courts themselves have power (under Section 73 of the Indian Evidence Act) to compare disputed handwriting with admitted ones. Again, originals are preferred, but courts may consider photocopies if no originals exist.

A photocopy may be admitted into evidence (subject to proof under secondary evidence provisions, like Section 65 of the Indian Evidence Act), but the reliability of a handwriting opinion based on it is weaker. If the authenticity of handwriting is seriously disputed, the court usually insists on producing the original document, unless it is lost, destroyed, or otherwise unobtainable.

In the case at hand, the defendant's expert opinion paper No. 505A2/1 to 505A2/8, in furtherance of the order impugned is on the record, which is negative, i.e. does not match. Now it is up to the trial court to decide what probative value it carries vis-à-vis the plaintiff's expert opinion.

It is also argued that if Arvind Trivedi had died, the impugned order should not have been passed. Admittedly, at the time of passing the impugned order, it was not in the knowledge of the trial court that Arvind Trivedi had passed away. Moreover, the question of abatement is challenged through another revision in which 29.09.2025 is fixed. So, the death of Arvind Kumar was not a bar to the trial court. So far as the missing original sale deed is concerned, it is admitted that despite the summoning of the original document, it could not be obtained.

From the above discussions, I am of the view that a court can order handwriting to be examined from a photocopy of a document. Hence, revision is rejected.

**Date: September 16, 2025**

**(Chandroday Kumar)**  
**District Judge,**  
**Kannauj**