

21.08.2024

Present: Sh. M.L. Sharma, Sh. Aman Bhardwaj and Sh. S.K.
Pandey, Ld. Counsel for plaintiff with plaintiff.
Ld. Counsel for defendants.

Plaintiff had moved an application on 01.08.2024 praying that the plaintiff may be allowed to inspect the court file alongwith a handwriting expert so as to take photographs of admitted and disputed signatures of D-2 from the court file.

Counsel for plaintiff has drawn my attention to order dated 19.03.2024. On the said date, certain documents in original were taken on record by the predecessor of this Court during the testimony of PW-2/Inderjeet Yadav who was appearing with the relevant bank record in terms recorded in the said order. It is the contention of the plaintiff that since the admitted and disputed signatures of the defendant No.2 are already on record, therefore, permission be granted in terms of this application.

It was argued by the Counsel for the plaintiff that while the admitted signatures of D-1 are present on the written statement as well as in the accompanying affidavit and on vakalatnama filed by D-1, the disputed signatures are available on the record produced by PW-2 on 19.03.2024. It is submitted on behalf of plaintiff that only the said signatures are to be analysed with the help of a handwriting expert.

Counsel for defendants submit that he does not wish to file any reply to the said application and has no objection in case the same is allowed at the cost of the plaintiff.

In such circumstances, the application is allowed with liberty to plaintiff to inspect the court record with a handwriting expert (as per plaintiff, he shall engage services of one Huda and Huda Brothers handwriting expert) on **27.08.2024** in post lunch session. The said expert shall be at liberty to take photographs of the original record in the presence of the parties.

The signatures of defendant No. 1 on the written statement filed by him on 09.01.2024 alongwith his affidavit and vakalatnama shall be taken as admitted signatures of D-1 while the signatures on the documents filed by PW-2 on 19.03.2024 shall be treated as disputed signatures.

The Ahlmad of the Court shall allow inspection for 30 minutes and thereafter, the report of the said expert shall be filed in the court with copy to the other side. The cost of the said inspection shall be borne by the plaintiff.

Application is accordingly disposed of.

Another application has also been moved by plaintiff on 31.05.2024 wherein a similar prayer as above has been made to this Court. After some arguments, Counsel for plaintiff does not press the said application. The said application is accordingly disposed of as not pressed.

List for filing of report on 15.10.2024. Dasti.

Aashish Gupta
DJ-01/NE/KKD/DELHI
21.08.2024