

17 CS DJ 688/23
SURENDER KUMAR MALIK (SR. CITIZEN)
Vs.
RAVINDER KUMAR MALIK

19.03.2026

Present : Sh.Kanishka Shivhare, Ld. Counsel for plaintiff.
Sh.Jayant Mudgal, Ld. Counsel for defendant nos.1 & 2
with defendant no.1.

Arguments heard on application moved on behalf of plaintiff seeking recalling of PW4 for his further examination qua filing of certificate under Section 65 B of Indian Evidence Act (Now Section 63 of BSA, 2023) in support of electronic evidence duly proved by PW4 as Ex.PW4/A (Colly.) before Local Commissioner.

Heard on the application.

Keeping in view the submissions made by the counsel for plaintiff and the fact that Certificate under Section 65B of IEA (Section 63 BSA, 2023) is necessary for proving the electronic evidence produced by PW4 which is already exhibited as Ex.PW4/A, hence, PW4 Mr.Bijumon George is recalled for further examination and cross-examination for the limited purpose qua Certificate under Section 65B of IEA (Section 63 BSA, 2023).

Another application under Order XXVI Rule 10 r/w Section 39 BSA, 2023 for Forensic Examination of the handwriting and signature of Ex.CW1/10 is also pending adjudication.

Arguments heard on the application. Ld. Counsel for plaintiff has argued that the Forensic Examination of document Ex.CW1/10 is necessary for just decision of the case as the same was given by the defendant no.1 to the plaintiff so that the plaintiff would develop H. No.222,

Katwaria Sarai, New Delhi. Ld. Counsel for defendant has opposed the application and has argued that the present application is moved just to delay the matter.

However, keeping in view the facts and circumstances of the case, the application is allowed and the plaintiff is at liberty to get examine the document Ex.CW1/10 by any Govt. approved handwriting expert, cost of the same shall bear by the plaintiff himself.

Both the parties are directed to appear before the Local Commissioner and admitted handwriting be provided for examination by handwriting expert.

The document Ex.CW1/10 may be summoned on the date agreed after a month from today before the Local commissioner.

Put up for report of Local Commissioner / final arguments on
20.07.2026.

(Ambika Singh)
District Judge-01, South
Saket Court, New Delhi
19.03.2026