

10.04.2026

Present: Ms. Sonali, Sh. Sumit Kumar and Sh. Nitin Sharma, Ld proxy counsels for the plaintiff.
None for the defendant.

ORDER

- 1) Vide this order, I shall decide the application filed by the defendant under order 26 rule 10A r/w 151 CPC (IA no. 2/2025).
- 2) The defendant has filed the present application for appointment of hand writing expert for examination and comparison of signatures of the defendant on the rent agreement dated 05.10.2020.
- 3) The defendant has alleged that the rent agreement dated 05.10.2020 is forged and fabricated and does not bear the signatures of the defendant.
- 4) In the written statement, the defendant has not alleged that the rent agreement dated 05.10.2020 is forged and fabricated and does not bear her signatures rather the defendant has admitted the execution of rent agreement dated 05.10.2020 as well as her signatures on the said rent agreement.
- 5) The only plea to challenge the rent agreement, taken by the defendant in written statement is that the plaintiff has played fraud upon her regarding rent amount.

- 6) The present application filed by the defendant is contrary to the defence taken by the defendant in her written statement. By way of this application, the defendant cannot withdraw her admission made in the written statement regarding execution of rent agreement dated 05.10.2020 as well as signing of rent agreement by her.
- 7) It is settled law that no party can be allowed to lead evidence beyond pleadings. Since, there is no pleadings of defendant regarding forged and fabricated rent agreement, this court does not find any merit in the application of the plaintiff for appointing hand writing expert for examining the signatures of the defendant on the rent agreement dated 05.10.2020. Accordingly, the application (IA no. 2/2025) stands **dismissed**.

Vide separate order of even date, pronounced in the open court, the application of plaintiff filed under order 12 rule 6 CPC stands allowed.

Now, there remains issues between the parties regarding arrears of rent/ mesne profits.

Put up for completion of pleadings as well as consideration for framing of issues regarding arrears of rent/mesne profits on **20.05.2026**.

(SHIV KUMAR)
DJ-02 (W)THC:Delhi
10.04.2026