

**IN THE COURT OF MS. MANU VEDWAN,
ADDITIONAL DISTRICT JUDGE-2, NORTH EAST
DISTRICT, KARKARDOOMA COURTS, DELHI**

CS No. 275/17

Mohd. Kalim

....Plaintiff

Versus

Retd ASI Ilyas Ahmad

.... Defendant

02.12.2023

ORDER ON APPLICATION UNDER SECTION 73 OF EVIDENCE ACT READ WITH 151 CPC FOR APPOINTMENT OF HAND WRITING EXPERT FOR SEEKING HIS EXPERT OPINION THEREBY DIRECTION TO HIM WHETHER THE SIGNATURE OF THE PLAINTIFF ON THE ALLEGED RECEIPT DATED 26.03.2017 IS FORGED OR GENUINE.

1. Vide this order, I shall dispose of an application moved on behalf of the plaintiff for appointment of hand writing expert for seeking expert opinion, thereby, directing him to verify that whether the signatures of the plaintiff on the alleged receipt, dated 26.03.2017, is forged or genuine.

2. It is stated in the application that on 12.09.2022, predecessor

of this court has been pleased to adjourn the matter for 15.12.2022 on the request of the plaintiff for the opinion of the hand writing expert on the alleged receipt, dated 26.03.2017. It is therefore requested that the opinion be now called in the interest of justice. On the other hand, non-applicant/defendant has stated in his reply that application of the applicant/plaintiff is not maintainable the same has been filed without any reason and beyond the limitation period. Apart from this all the other contentions of the application are denied.

3. Submissions of both the parties heard at length. Application perused carefully.

4. Ld. Counsel for plaintiff has miserably failed to mention the reasonable/relevant grounds in his application for calling the expert opinion qua his signatures/alleged signatures. Also, at the same time, time and again, it has been observed by the Hon'ble Superior Courts that examination of handwriting expert by any litigant as such does not serve any purpose as invariably in all cases opposite party also produces a report of handwriting expert and ultimately, it is the Court which has to form the opinion in accordance with section 73 of the Indian Evidence Act, 1873. (Reliance is placed upon order, dated 09.08.2017, passed in *Pradeep Kumar Jain v. V.D. Chauhdary* by Hon'ble Justice Rajeev Sahai Endlaw) Further, in the instant case, plaintiff may call the hand writing expert who can take the photographs of the documents and thereupon present

his report for consideration by the court. Regarding, sending of documents for calling of handwriting expert opinionn, as of now/at this stage, there seems to be no reason for allowing the present application and it is accordingly **dismissed**. If at the later stage, court needs /feels the necessity of the report of any hand writing expert it may seek the same u/s 45 r/w section 73 of the Indian Evidence Act.

5. Application stands disposed of accordingly.

(Manu Vedwan)
ADJ-02/North-East, KKD Courts,
Delhi/02.12.2023