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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(OS) 865/2023**

RASHMI BAHRI

.....Plaintiff

Through: Mr. Sachin Mittal, Mr. Satyam Arora,
Mr Bhaura Nanda and Ms. Khushboo
Sharma, Advocates

versus

SUNIL SACHDEVA & ORS.

.....Defendants

Through: Mr. Anirudh Wadhwa and Mr. Aditya
Mittal, Advocates for D-2
Mr. Gautam Narayan, Sr. Advocate
with Mr. Sanyat Lodha, Ms. Sanjana
Saddy and Mr. Tanvin Anad,
Advocates for D-3

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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21.03.2025

I.A. 44211/2024 (Application under Order X Rule 2 CPC)

1. This is an application filed by defendant no. 1 seeking examination of the defendant under Order X Rule 2 of Code of Civil Procedure, 1908 (CPC) and reference of the plaintiff's signatures on her original 'Letter of Confirmation' dated 20.09.2018 to Central Forensic Science Laboratory ('CFSL') for comparison with the admitted signatures on the plaint, affidavit in support of the plaint and Vakalatnama.
2. The statement of the plaintiff has been recorded separately today.
3. The documents produced by the defendant no. 1 have been put to the plaintiff and her stand qua the said documents has been recorded on Oath.



The documents produced by Defendant no. 1 bearing the alleged signatures of the plaintiff, which are not admitted by the plaintiff have been marked as Exhibit DW-1/1, Exhibit DW-1/2, Exhibit DW-1/3, Exhibit DW-1/4, Exhibit DW-1/5 and Exhibit DW-1/6 for identification. The document produced by Defendant no. 1 which was admitted by the plaintiff has been assigned as Exhibit D-1.

4. Learned counsel for the plaintiff states that the original of the plaint, affidavit in support of the plaint and Vakalatnama shown to plaintiff from the counsel's file is available in his office and the same duly bears plaintiff's signatures; and he will produce the same before the **Ld. Joint Registrar (J) on 28.03.2025** and the same can be relied upon as specimen signatures.

5. The present suit has been filed seeking partition of the estate of late Shri Ram Prakash Sachdeva on the averment that he died intestate. Defendant no. 1 in the written statement has relied upon a registered Will dated 09.10.2013 executed by late Shri Ram Prakash Sachdeva and registered Will 24.08.2016 executed by late Smt. Chand Sachdeva. Defendant no. 1 has stated that plaintiff has knowledge of the aforesaid Wills and has confirmed her acceptance of the Wills by executing a letter of confirmation dated 20.09.2018 which bears her signatures. Defendant no. 1 states that in view of the existence of the said Wills and the plaintiff's confirmation, the present suit is not maintainable. The Defendant no. 1 has produced the letter of confirmation which allegedly bears the signatures of the plaintiff in original as well as copies of the Wills which allegedly bear the signatures the plaintiff in original. In these facts, defendant no. 1 seeks reference of the plaintiff's admitted signatures with her disputed signatures as they appear on the letter of confirmation and the copies of the Will.



6. The plaintiff does not oppose this application.
7. In the facts noted above, this Court is satisfied that the prayer in the application seeking reference of the disputed signatures of the plaintiff as they appear on Exhibits DW-1/1 to DW-1/6 ought to be referred to CFSL.
8. The plaintiff has admitted her handwriting on Exhibit D-1 and therefore the same will also be referred to CFSL as a sample of the plaintiff's admitted handwriting along with her admitted signatures (in original) which appear on the plaint, affidavit in support of the plaint and the vakalatnama.
9. The plaint, affidavit in support and vakalatnama will be produced by learned counsel for the plaintiff before the learned Joint Registrar on the next date.
10. The original documents marked as Exhibit D-1 and Exhibits DW-1/1 to DW-1/6 will be send to the registry by the Court Master and these documents will also be sent to CFSL.
11. Learned Joint Registrar (J) is requested to conduct appropriate proceedings for sending the admitted signatures of the plaintiff for comparison with the disputed signatures on the aforesaid documents to CFSL.
12. The Director, CFSL is directed to send report on the comparison of the signatures within a period of six (6) weeks.
13. With the aforesaid directions, the application stands disposed of.

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14. Learned counsel for defendant no. 1 states that an additional affidavit in support of reply to I.A. No. 26049/2023 has been filed on 04.12.2024 qua status of properties which form subject matter of this suit.



15. Learned counsel for the plaintiff states that however, the affidavit fails to disclose the status of possession qua each property.
16. Defendant no. 1 is directed to file particulars with respect to status of actual physical possession for each of the properties within two (2) weeks.
17. List before the learned Joint Registrar on **28.03.2025**.
18. List before Court on **15.07.2025**.

MANMEET PRITAM SINGH ARORA, J

MARCH 21, 2025/rhc/sk