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

+ **CM(M) 4089/2024**

VIMAL KUMAR TAHEEM

.....Petitioner

Through: Mr. Nitin Jain, Mr. S.S. Mittal and
Mr. Akshay Mittal, Advocates.

versus

HARI OM NIRALA

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **16.12.2024**

CM APPL. 73611/2024 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CM(M) 4089/2024 & CM APPL. 73612/2024 (stay)

1. The respondent filed a summary suit for recovery against the petitioner. Leave to defend was granted to the petitioner to contest the case.
2. Petitioner filed an application for appointing the handwriting expert. The said application was dismissed by the Trial Court vide impugned order dated 21.03.2022 holding that the same is the right of the defendant and no order is required from the court and, therefore, he could get the handwriting expert report as per law.
3. Petitioner then filed an application under Section 73 of the Evidence Act, 1872 for directions to the plaintiff to be present in person and for



issuing directions to get his handwriting for the purpose of comparison with handwriting in cheque but the said application was dismissed by the Trial Court vide order dated 12.04.2022 while observing that the petitioner concealed the fact that a similar application had already been dismissed by the High Court.

4. The application for review filed by the petitioner was also dismissed vide order dated 22.11.2024.

5. The order of the High Court, by which the application of the petitioner for appointing handwriting expert was dismissed, is not part of the digital record. The same be filed before the next date of hearing.

6. List on 22.01.2025.

RAVINDER DUDEJA, J

DECEMBER 16, 2024/vp