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

+ **CM(M) 876/2016**

CHAUDHARY RAJENDER PAWAR Petitioner

Through: Mr. A.K. Singh, Advocate with petitioner
in person.

versus

KADAMBINE MAJUMDAR Respondent

CORAM:
HON'BLE MR. JUSTICE JAYANT NATH

ORDER
% **06.09.2016**

C.M. No.32575/2016 (for exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CM (M) No.876/2016

1. By the present petition, the petitioner seeks to impugn the order dated 18.2.2016 by virtue of which the application moved by the petitioner under Section 73 of the Indian Evidence Act, 1872 seeking a direction to the respondent to give her signatures for comparison of the same with the documents placed on record by the petitioner and to send the same to the FSL, was dismissed.

2. The petitioner/plaintiff has filed the present suit for possession, recovery of rent and permanent injunction claiming himself to be the lawful owner of the property bearing H.No.M-57, M-Block, Sourabh Vihar, Jaitput, PO Badarpur, New Delhi. It is the claim of the

petitioner/plaintiff that he purchased the suit property from the respondent/defendant vide GPA, agreement to sell, affidavit, possession letter, receipt and Will dated 30.9.2014. It is averred that during admission/denial, the respondent has denied her signatures on all these documents and hence there is necessity of moving the present application.

3. In my opinion, the trial court has rightly declined the request of the petitioner to refer the signatures of the respondent to FSL. It is a known fact that the FSL is overloaded with such requests and in every suit, it is not possible to refer the matter to FSL for its opinion on the alleged signatures of a party. The trial court rightly dismissed the application stating that the petitioner can prove execution of the documents by calling witnesses to the documents which would be substantive piece of evidence.

4. At this stage, the learned counsel for the petitioner submits that the impugned order should not prejudice the petitioner for moving an appropriate application before the trial court for seeking opinion of the private handwriting expert.

5. A perusal of the impugned order and the application filed by the petitioner shows that the petitioner never sought permission to permit examination of a private handwriting expert. Granting leave and liberty to the petitioner to apply to the trial court for the said purpose, the present petition is dismissed.

JAYANT NATH, J.

SEPTEMBER 06, 2016
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