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

+ **RFA 407/2017 and C.M. Appl. No. 15238/2017 (for stay)**

DINESH TAYAL & ANR Appellants
Through: Mr. Arun Birbal, Advocate (Mobile
No. 9810029802).
versus

JOGENDER CHADHA Respondent
Through: Ms. Sonakshi Monga, Advocate
(Mobile No.7838204559).

CORAM:
HON'BLE MR. JUSTICE VALMIKI J. MEHTA

ORDER
% **04.09.2018**

RFA 407/2017 and C.M. Appl. No. 15238/2017 (for stay)

1. After arguments, this appeal is disposed of with the consent order by setting aside the impugned judgment dated 22.12.2012 and entitling the appellants/defendants exactly three opportunities to complete their examination-in-chief limited to the aspect as to whether or not on the Bayana Receipt dated 1.12.2008 signatures of the appellant no.1 exists or does not exist.
2. Appellant-Sh. Dinesh Tayal will necessarily have to file in order to prove the signatures on the Bayana Receipt dated 1.12.2008 being not of the appellant- Sh. Dinesh Tayal by filing before the trial court the admitted signatures of the appellant-Sh. Dinesh Tayal in or around the relevant period on 1.12.2008 as existing in the bank accounts of the appellant/defendant-Sh. Dinesh Tayal as also other

admitted signatures appearing at least at one place in the public record such as Passport or Aadhar Card.

3. Handwriting expert's report prepared at the instance of the appellant/defendant will be by comparison of the disputed signatures on the Bayana Receipt dated 1.12.2008 with the admitted signatures of the appellant/defendant as appearing in the bank accounts of the appellant/defendant as also other public record being the Aadhar Card.

4. Respondent/plaintiff will have opportunity to lead evidence in rebuttal that the signatures appearing on the Bayana Receipt dated 1.12.2008 are in fact the signatures of the appellant/defendant, and which is the case of the respondent/plaintiff.

5. Appellants will pay a sum of Rs.35,000/- as costs to the respondent/plaintiff on the first date which will be fixed before the concerned trial court in terms of the order of the concerned District and Sessions Judge.

6. Accordingly, this appeal is disposed of in terms of the aforesaid consent order and parties will appear before the District and Sessions Judge, North West District, Rohini Courts, Delhi on 4th October, 2018, and the District and Sessions Judge will mark the suit for disposal to a competent court in accordance with law and the observations made in the present order.

7. The appeal is accordingly disposed of.

VALMIKI J. MEHTA, J

SEPTEMBER 04, 2018/AM