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

+ CM(M) 1100/2016 and CM 40497/2016

DR KULDEEP KUMAR MITTAL & ORS Petitioners

Through: Mr. Gaurav Shama, Mr. Rajiv Mishra
and Ms. Shruti Sharma, Advocates

versus

SAVITA MITTAL & ORS Respondents

Through: Mr. S.K. Chawla, Adv. for R-1
Mr. Soumd Palit, Adv. for R-4

CORAM:

HON'BLE MR. JUSTICE R.K.GAUBA

ORDER

% **16.01.2018**

After some hearing the learned counsel for the first respondent, who is the plaintiff in suit (CS no.493/16/08) fairly concedes that the impugned order dated 22.08.2016 of the Additional District Judge may be set aside and the application of the petitioners under Sections 45, 67 and 73 of Indian Evidence Act may be allowed giving an opportunity to the petitioners to examine the hand writing expert to prove the opinion on the basis of comparison of the admitted signatures of the first respondent (plaintiff) with questioned signatures on document (Ex. DW1/3) statedly executed in the context of a fixed deposit receipt.

The petition is thus allowed. The impugned order is set aside.
The application of the petitioners to above effect stands allowed.

The trial court will give effective opportunity to the petitioners to adduce evidence in above nature. Needless to add, the opposite party will also be given an opportunity to lead evidence in rebuttal, if so requested, at appropriate stage.

The petition and the application filed therewith stand disposed of in above terms.

R.K.GAUBA, J.

JANUARY 16, 2018

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