$~**A-37**

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

\+ RFA(COMM) 205/2023 & C.M.Nos.47557-47559/2023

MRS RUHIALIA ..... APPELLANT

Through: Mr.Ankur Gupta with Mr.B.Khan and Ms.Taniya Tejan, Advocates.

versus

SHRI SUNIL GUPTA ..... RESPONDENT

Through: None

% Date of Decision: 19th September, 2023

CORAM:
HON'BLE MR. JUSTICE MANMOHAN
HON'BLE MS. JUSTICE MINI PUSHKARNA

JUDGMENT

MANMOHAN, J: (ORAL)

1. The present appeal has been filed by the appellant challenging the order dated 23rd December, 2022 passed by the learned District Judge, Tis Hazari Court, Delhi in CS (COMM) No.3777/2021, wherein the application for leave to defend filed by the appellant was dismissed and the suit was decreed for an amount of Rs.7,10,062/- against the appellant.

2. Learned counsel for the appellant states that the Trial Court failed to give an opportunity to the appellant to prove her case on merits. According to him, various triable issues like furnishing of blank security cheques, transactions of Rs.1,89,431/- as well as Rs.6,40,000/- not being admitted and full purchase price having been paid were raised by the appellant in the

leave to defend application. He contends that without allowing the parties to lead evidence, the said disputes could not have been decided.

3. In our view, the Trial Court has correctly held that the appellant had not placed any document on record from which it could be ascertained that there was any compelling circumstance for the appellant to purchase goods from the respondent alone and that she had agreed to furnish a security in the form of blank signed cheques.

4. A perusal of the paper book also reveals that the appellant had herself not only confirmed the debit balance of Rs.17,80,702/- in her ledger account maintained by the respondent but had provided details of her income tax Permanent Account Number in furtherance of that (page 118 of the Trial Court record). The said ledger account clearly reflects the disputed transactions i.e. supply of goods for INR 1,89,431/- on 12th June, 2018 and the supply of goods for INR 6,40,000/- to Printech Printers on 30th March, 2019. Since both these entries have been duly acknowledged by the appellant in the 'Confirmation of Accounts', this Court is of the view that no triable issues arise.

5. This Court is further of the view that the appellant is neither a famous sportperson nor a filmstar that would entitle her to sign autographs on blank documents leave alone cheques. The appellant is a literate person who is presumed in law to understand the significance and legal import of signed cheques. Attention has not been drawn of this Court to any contemporaneous correspondence which would reflect that the appellant had ever protested to the deposit of the cheques on the ground that they were security cheques which were not meant to be encashed.

6. Consequently, this Court is of the view that the defence put forward by the appellant in the leave to defend application is false and the Trial Court has rightly decreed the suit.

7. Accordingly, the present appeal along with pending applications is dismissed. No order as to costs.

MANMOHAN, J

MINI PUSHKARNA, J

SEPTEMBER 19, 2023
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