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

+ **CM(M) 4109/2024**

GANESH PRASHAD

.....Petitioner

Through: Mr. Sanjay Garg, Advocate.

versus

NAWAL KISHORE SONI

.....Respondent

Through: Mr. Ashish \kapur and Mr. Anmol
Kapur, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

18.12.2024

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**CM APPL. 74131/2024 EXEMPTION & CM APPL. 74132/2024
EXEMPTION**

Allowed, subject to all jus exceptions.

The applications stand disposed of.

CM(M) 4109/2024 & CM APPL. 74130/2024 STAY

1. The respondent filed a suit for recovery against the petitioner. Dispute arose from the civil suit filed by the respondent for the recovery of Rs.18 lacs alleging that the petitioner purchased gold jewellery from the respondent and issued two cheques for the payment. Respondent claimed that petitioner had signed the invoice dated 18.03.2021.
2. Petitioner however denies ever purchasing the jewellery from the respondent, claiming that the signatures on the invoice were forged. His defence has been that the hand bag containing important documents



including signed cheques were misplaced/stolen and that the signatures on the invoice were forged.

3. Petitioner filed an application before the learned Trial Court seeking permission to examine the handwriting expert to compare his signatures with the alleged signatures on the invoice.

4. The application has been dismissed by the learned Trial Court vide impugned order dated 26.11.2024.

5. Admittedly, till date no expert opinion has been obtained by the petitioner in regards of the signatures on the invoice and therefore in the absence of any document being on record, the application for examination of the handwriting expert was obviously not maintainable.

6. At this stage, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to file appropriate application before the learned Trial Court for obtaining expert opinion on the signatures on the invoice.

7. The statement made by the learned counsel for the petitioner is taken on record.

8. The petition is dismissed as withdrawn with liberty as prayed for. However, the rights and contentions of the parties on merits are reserved.

RAVINDER DUDEJA, J

DECEMBER 18, 2024/ib