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

Date of decision: 22.04.2025

\+ FAO(OS) 47/2025

KRISHANT EXIM PVT. LTD. & ORS. .....Appellants

Through: Mr. Tuhin & Mr. Rajat Jain, Advs.

versus

RAMESH N KESWANI & ANR. .....Respondents

Through: Mr. Shikhil Suri, Sr. Adv. with Mr. Pranav Singal, Mr. Ravi Raghunath Vachhar, Mr. Saurabh Jha & Mr. Arjun R. Vachhar, Advs. for R1

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE RENU BHATNAGAR

NAVIN CHAWLA, J. (Oral)

CM APPL. 23306/2025 (Exemption)

1. Allowed, subject to all just exceptions.

FAO(OS) 47/2025, CM APPL. 23304/2025 & CM APPL. 23305/2025

2. This appeal has been filed, challenging the Order dated 20.03.2025 passed by the learned Single Judge of this Court in I.A. No. 46469 of 2025 in CS(OS) No. 305 of 2023, titled ***Ramesh N. Keswani vs. Krishant Exim Pvt. Ltd. & Ors.,*** disposing of the said application with the following direction:

> *" 5. In view of the aforesaid submissions of the plaintiff, this Court find no purpose in*

> *referring the financial statements for financial year 2014-15, 2015-16, 2016-17, 2017-18, 2018-19 to CFSL since the plaintiff has admitted that these are not his signatures but signatures of defendant no. 3, which have been affixed under the plaintiff's instruction. The consequences in law flowing from such an admission of the plaintiff will be available to either party."*

3. Given the brief background of the facts in which the present appeal arises, the respondent No.1 has filed the above Suit *inter alia* praying therein for a declaration that he owns and possesses 49.99% of the equity shares i.e., 4099 shares in the appellant No.1 Company. Respondent No.1 further claims to own 0.01% of the equity shares in the appellant No.1 Company purported to have been transferred to appellant No. 3 on 10.02.2020.

4. In response to the said Suit, the appellants contended that the respondent No. 1 has transferred the said shares in the appellant No.1 Company by executing two Share Transfer Forms dated 10.02.2020, wherein 4099 shares were transferred in favour of appellant No.2 and one share was transferred in favour of appellant No.3. The appellants also placed reliance on a purported receipt dated 10.02.2020 on the basis of which they claim that Rs. 50,000/- was given to the respondent No.1 as sale consideration for the sale of the said shares.

5. The respondent No.1 however, denied the authenticity of his signatures on the said Share Transfer Forms.

6. In view of the same, the learned Single Judge of this Court, *vide* an order dated 05.11.2024, directed, with the consent of the parties, that the Share Transfer Forms and the Resignation Form shall be sent

to the Central Forensic Science Laboratory (hereinafter referred to as "CFSL") for comparison of the signatures of the respondent No.1. The comparison was directed to be made with the admitted signatures of the respondent no. 1 on the receipt dated 10.02.2020 and the plaint of the Suit.

7. At this stage, the appellant No.2 filed the application in question, being I.A. No. 46469 of 2025, praying therein that the Financial Statements of the appellant No.1 Company for the Financial Years (hereinafter referred to as "FY") 2014-15, 2015-16, 2016-17, 2017-18 and 2018-19 may also be sent to the CFSL for comparison as they also contain the signatures of the respondent No.1.

8. The said application, as noted hereinabove, has been disposed of by the learned Single Judge *vide* the impugned order by observing therein that since the signatures on the documents have not been admitted by the respondent No.1, no useful purpose would be served by sending these Financial Statements for the concerned FYs for comparison to the CFSL.

9. The learned counsel for the appellants submits that these Financial Statements were relied upon by the respondent No.1 in the plaint itself, and therefore, he cannot now deny the authenticity of these documents or his signatures appearing on the same. He further submits that great prejudice would be caused to the appellants in case these documents are not sent to CFSL for a comparison of the signatures.

10. On the other hand, the learned senior counsel appearing for the respondent No.1, submits that the respondent No.1 has denied the

authenticity of his signatures on the said Financial Statements and, therefore, no useful purpose would be served by sending the same for comparison. He further submits that the learned Single Judge has also directed the parties to make submissions if the signatures appearing on the bank account maintained by the respondent No.1 can be instead sent for the comparison of the signatures.

11. We have considered the submissions made by the learned counsels for the parties.

12. At the outset, we express our doubt on the very maintainability of the present appeal. The same, by no stretch of imagination, can conform to the definition of a 'Judgement' as expounded by the Hon'ble Supreme Court in ***Shah Babulal Khimji v. Jayaben D. Kania and Anr.,*** (1981) 4 SCC 8.

13. Even otherwise, we find no merit in the present appeal.

14. As noted hereinabove, by the order dated 05.11.2024, passed with the consent of the parties, the alleged Share Transfer Forms have been referred to the CFSL for an opinion if they bear the signatures of the respondent no. 1. Once, the respondent no. 1 has denied that the Financial Statements of the appellant no. 1 do not bear his signatures, they cannot be sent for purposes of comparison by treating them to be bearing the signatures of the respondent no. 1. The Impugned Order, therefore, rightly rejects the application filed by the appellant for sending the Financial Statements for the concerned FYs for a comparison of the signatures of the respondent No.1 appearing thereon.

15. The question of whether the respondent No.1 has rightly or

wrongly denied his signatures of these Financial Statements and the effect thereof on the Suit, is to be determined by the learned Single Judge in the Suit or in the applications that are pending before it. The same cannot be a plea for determining the application that was under consideration before the learned Single Judge, which has been disposed of by way of the Impugned Order.

16. Furthermore, the learned Single Judge has also directed the parties to make submissions on other documents that can be sent for a comparison with the disputed signatures appearing on the Share Transfer Forms. In our opinion, these submissions have to be made by the parties before the learned Single Judge and, therefore, we would not like to make any comment on the same.

17. We, therefore, find no merit in the present appeal. The same is dismissed both on the grounds of maintainability and on grounds of lack of merit.

NAVIN CHAWLA, J

RENU BHATNAGAR, J

APRIL 22, 2025/Pr/Sm/ik

Click here to check corrigendum, if any