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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 28th July, 2025*

+ CM(M) 1210/2025, CM APPL. 40910/2025 & CM APPL. 40911/2025

BHAVYA ELECTRICALSPetitioner

Through: Mr. Vijay Kr. Gupta and Mr. Mehul
Gupta, Advocates

versus

R.K. ELECTRICAL INDUSTRIES (INDIA) PVT. LTD & ANR.

.....Respondent

Through: Mr. Rajat Aneja and Mr. Utkarsh
Mishra, Advocates

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defendant, who has also lodged its counter-claim as well.
2. Evidence of main plaintiff is already complete and it was at that stage of the case that the defendant/counter-claimant moved an application under Section 39 (1), 40 (1) and 41 (2) of the Bhartiya Sakshya Adhiniyam, 2023 with request to send one document dated 06.12.2019 (Ex. PW1/DX1) for expert opinion.
3. According to defendant/counter-claimant, such document has been issued by authorized representative of the plaintiff-company and is in the nature of receipt.
4. However, interpretation of the aforesaid document is presently not to be evaluated and what exactly is the import of the aforesaid document has to be answered by the learned Trial Court, after appreciating the respective evidence led by the parties.



5. Fact remains that such document is, alleged, to have been signed by authorized representative of the plaintiff-company. However, when entered into witness box, the alleged maker denied her signatures and handwriting on such document.
6. It was in the aforesaid backdrop that the aforesaid application was moved with prayer that a handwriting expert may be appointed at the expenses of defendant/counter-claimant to give his/her opinion with respect to the aforesaid document.
7. Learned counsel for respondent no. 1/plaintiff submits that the sole endeavour of the petitioner herein is to delay the disposal of the suit and to avoid the possibility of filing of any application seeking decree on admission.
8. During course of the arguments, it has also been submitted by Mr. Rajat Aneja, learned counsel for respondents that if even the signatures, for the sake of arguments, are admitted as that of Smt. Ansshu Kohlie @ Smt. Anshu Kohli, it would still not take case of the defendant/counter-claimant anywhere as the bare contents do not amount to any kind of acknowledgement/receipt.
9. As already noticed, at the moment, the Court is not required to give any observation or finding with respect to the contents and the question posed, presently, is only with respect to the handwriting and signatures.
10. Though ideally speaking, such request should have been made by the petitioner herein at earliest available opportunity as the stand of the plaintiff was very much evident from the pleadings itself, keeping in mind the overall facts and in the interest of justice, the present petition is disposed with direction that petitioner herein would be at liberty to take opinion from handwriting expert with respect to the handwriting and signatures appearing



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on the aforesaid document Ex. PW1/DX1. Let such exercise be completed within four weeks from today and be placed before the learned Trial Court. Needless to say, in view of the above, defendants would be at liberty to examine such expert as their witness and in order to ensure that there is no prejudice caused to the plaintiff, plaintiff would also be at liberty to lead evidence in rebuttal, to the aforesaid extent.

11. Since the suit is commercial in nature, learned Trial Court is requested to give requisite priority to the matter. Needless to say, both the parties and their respective counsel would render their due assistance and co-operation to the learned Trial Court.

12. For causing delay in the matter, petitioner herein is burdened with cost of Rs. 10,000/- which shall be deposited with Delhi Legal Service Authority, West District within two weeks.

13. Petition stands disposed of in the aforesaid terms.

14. Pending applications also stand disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 28, 2025/dr/js