



2025:DHC:8161



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

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Date of Decision: 16.09.2025

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CM(M) 1820/2025, CM APPL. 58544/2025 & CM APPL. 58543/2025

PRAMOD K. SAINI

.....Petitioner

Through: Mr. Vinod Kumar Singh and
Mr. Manuvendra Singh,
Advocates.

versus

O. P. BHARGAVA THROUGH LRS

.....Respondents

Through: None.

CORAM: JUSTICE GIRISH KATHPALIA**JUDGMENT (ORAL)**

1. The petitioner (*defendant in the suit*) has assailed order dated 18.08.2025 of the learned trial court, whereby his application under Section 151 CPC for directions to send his own document, already exhibited as Ex.DW2/A, to CFSL was dismissed.

2. Having heard learned counsel for petitioner, I do not find it a fit case to even issue notice. Rather, the petition appears to be a mischievous effort of petitioner to somehow protract the disposal of the suit, which is pending at the stage of final arguments since the year 2018.



3. Broadly speaking, in the money recovery suit filed in the year 2013 by the father of present respondents against the petitioner, the trial stood concluded after the present petitioner examined two witnesses and closed Defendant's Evidence on 10.08.2018. Thereafter, the petitioner/defendant filed an application for sending his own document, Ex.DW2/A to CFSL in order to test the genuineness of signatures of the now deceased plaintiff on the said document. The said application was dismissed by way of the impugned order, elaborately detailing the various other applications filed by the present petitioner subsequent to addressing part final arguments.

4. It is contended by learned counsel for petitioner that the impugned order is not sustainable in law. It is argued by learned counsel that forensic examination of Ex.DW2/A (*letter dated 15.07.2011 allegedly bearing signatures of the now deceased plaintiff at the bottom*), signatures on which were denied by the present respondent during his cross examination as PW1, is vital for defence of the present petitioner.

5. Admittedly, final arguments have already been partly addressed before the trial court. It is not a case where the trial is pending. Once during the final arguments, certain infirmities of the case set up by either side are revealed by the other side, efforts to plug loopholes must be discouraged. For, the party concerned ought to have been cautious at appropriate stage of trial. In the present case also, nothing prevented the petitioner/defendant from seeking forensic examination of Ex.DW2/A immediately after the same was filed or when the alleged signatures of the now deceased plaintiff



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were disputed by the plaintiff or his legal representatives or even thereafter prior to commencement of the final arguments.

6. Rather, it appears that after final arguments were partly advanced, the present petitioner started moving successive applications before the trial court, so that disposal of the suit would keep getting delayed, leading to frustration of the present respondents.

6.1 After commencement of final arguments, the present petitioner moved two applications, one being under Order XVIII Rule 17 CPC while the other being under Order XVI Rule 1 CPC and Section 5 Limitation Act, which applications were dismissed on 24.04.2019.

6.2 Even thereafter, despite the trial having been concluded way back on 10.08.2018, completely ignoring the scope of proviso to Order VI Rule 17 CPC, on 20.05.2019, the present petitioner filed an application under Order VI Rule 17 CPC seeking amendment of the Written Statement and the said application was dismissed on 23.09.2019.

6.3 Against the said order dated 23.09.2019, the petitioner filed CM(M) 1811/2019, which was disposed of by a coordinate bench of this court, vide order dated 20.12.2019, thereby allowing the petitioner, subject to costs of Rs.1,00,000/-, to recall DW2 for exhibiting only those documents which are on record, including the document which was exhibited as Ex.DW2/A. The said order dated 20.12.2019 of this court, was challenged by the present



respondents through Special Leave Petition, but the same was withdrawn on 26.07.2024, after which the petitioner paid the costs of Rs.1,00,000/- and on 14.11.2024, additional evidence of the petitioner was concluded and formally closed by the statement of the present petitioner; and thereafter the matter was posted for final arguments. Even before this court in CM(M) 1811/2019, the petitioner did not make any request for permission to send the said document to CFSL for forensic analysis.

6.4 Further, an application seeking clarification in CM(M) 1811/2019 was filed, which was disposed of by the coordinate bench of this court, making it clear that no further opportunity would be granted to the petitioner and only one opportunity would be granted to ensure that the document was exhibited. Besides, the coordinate bench of this court also directed the trial court to adjudicate the matter without any adjournment. Even at that stage of seeking clarification from this court, the petitioner did not make any request for permission to send Ex.DW2/A to CFSL.

6.5 Thence, the present petitioner successfully stalled disposal of the suit, in which after conclusion of trial way back in the month of August 2018, the final arguments had commenced.

7. I find no infirmity in the impugned order, so the same is upheld. Rather, the present petition is found totally frivolous and it appears to have been filed only to further protract disposal of the suit. Therefore, the petition is dismissed with costs of Rs.25,000/-, to be deposited by petitioner with



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DHCLSC within one week. The accompanying applications also stand disposed of.

**GIRISH KATHPALIA
(JUDGE)**

SEPTEMBER 16, 2025/ry