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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 22nd May, 2025**
+ CM(M) 339/2021 & CM APPL. 14975/2021
SMT. SUDESH RANI

.....Petitioner

Through: Mr. Sunil Malhotra, Mr. Vivek Kumar
Karn and Mr. Deepak Rawat,
Advocates.

versus

SMT USHA RANI DECEASED THROUGH LRS & ORS.

.....Respondent

Through: Mr. Gurmit Singh Hans, Mr. Vishal
Soni, Ms. Gurman Kaur Dua and Ms.
Megha, Advocates for R-1.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is plaintiff before the learned Trial Court and has filed a suit for specific performance, declaration, injunction and possession.
2. In her such suit, in para 4, she mentioned about execution of one agreement between her and defendant-Ms. Usha Rani (since deceased) and it was also mentioned that defendant No.1 executed agreement to sell, GP, affidavit, Will and acknowledgment on 18.02.2008.
3. When the written statement was filed by Ms. Usha Rani herself, in corresponding reply, she, however, averred that husband of the plaintiff had taken her signatures and thumb impressions on certain stamp papers and blank papers with the assurance that these would be used for getting the suit property mutated.



4. Thus, according to her the though abovesaid documents were forged and fabricated, she did not, specifically, disown her signatures.
5. Unfortunately, during the pendency of the abovesaid suit, defendant-Ms. Usha Rani expired and her legal heirs were, accordingly, brought on record.
6. The stand taken by her one such LR i.e. her son is to the effect that these documents do not even bear the signatures of her mother.
7. It was in the abovesaid backdrop that, after the recording of the defendant's evidence, the plaintiff prayed for opportunity to lead evidence in rebuttal.
8. The learned Trial Court has declined such opportunity, holding that defendant No.1-Ms. Usha Rani had denied her signatures on the abovesaid documents and, therefore, there was no requirement of permitting any evidence in rebuttal. It also observed that the plaintiff should have been prudent enough at the earliest opportunity for leading any evidence for proving signatures of said defendants on the abovesaid documents.
9. This Court has gone through the averments made in the plaint and the corresponding written statement, and has also taken note of the stand taken by her legal representatives.
10. Primarily, it looks quite obvious that, though the signatures were not disowned by defendant-Ms. Usha Rani (since deceased), manner of execution of documents has been disputed by her and, therefore, she did not admit those documents and labeled them as forged and fabricated.
11. However, at the same time, keeping in mind the fact that she herself admitted her signatures, *albeit*, on blank papers, the plaintiff was, naturally, under the assumption that there is no dispute, at least, with respect to the



signatures, being of Ms. Usha Rani.

12. In view of the stand taken by her legal representatives, who, in no uncertain terms, denies the signatures of their mother Ms. Usha Rani, it will be appropriate if the present petition is allowed while directing the petitioner to lead evidence in rebuttal, strictly confining such evidence to the aspect whether such documents, allegedly, executed on 18.02.2008 contains signatures of Ms. Usha Rani or not.

13. The next date before the learned Trial court is stated to be 05.08.2025 and is fixed for final arguments. The proceedings are, however, lying stayed in terms of the earlier order passed by this Court.

14. In order to ensure that there is no further delay in the matter, the petitioner/plaintiff is permitted to move appropriate application in terms of the abovesaid permission granted to her for the purposes of leading evidence in rebuttal and the learned Trial Court would, accordingly, permit the plaintiff to lead evidence in rebuttal, to the above extent.

15. The petition stands disposed of in aforesaid terms.

16. The pending application also stand disposed of.

(MANOJ JAIN)
JUDGE

MAY 22, 2025/ss/pb