



2025:DHC:7531



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 29<sup>th</sup>, August, 2025***

+ CM(M) 1667/2025 &amp; CM APPL. 54212-54214/2025

AJAY TANEJA PROP. OF M/S TANEJA INTERNATIONAL

.....Petitioner

Through: Mr. Samrat Nigam, Sr. Advocate with  
Mr. Shantanu Awasthi, Mr. Shikhar  
Mittal, Advocates.

versus

RAJAN WAHI PROP. OF WAHI JEWELLERS

.....Respondent

Through: Mr. Rajesh Samantora with Mr. Varun  
Gupta, Advocates.**CORAM:****HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Learned counsel for respondent/plaintiff appears on advance notice.
2. A very short point is involved here.
3. The case is otherwise at the stage of final arguments but the defendant was having reservation with respect to his own signatures, allegedly, appearing on the invoice in question. In the written statement also, he has denied having signed any such invoice.
4. The original invoice had been filed by the plaintiff in the complaint filed by him under Section 138 *Negotiable Instruments Act, 1981* in which the defendant was the sole accused.
5. Earlier, the defendant had sought opinion of handwriting expert based on "*photocopy of the invoice*" and such handwriting expert i.e. Dr. A K Gupta, entered into witness box as DW-4.
6. However, noticing the fact, that the abovesaid opinion had been given



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on the basis of photocopy of invoice, the same expert was requested to give “*fresh opinion based on comparison with the original invoice*”.

7. Armed with fresh opinion, an application was made before the learned Trial Court seeking examination of DW-4-Mr. A K Gupta afresh, but such request has been declined.

8. After hearing arguments for some time, learned counsel for the respondent/plaintiff, when asked, submitted that he would, without prejudice to his rights and contentions, have no objection, if the permission is granted, *albeit*, subject to imposition of heavy cost and while also reserving his right to lead evidence in rebuttal, pertaining to abovesaid aspect of expert opinion.

9. The copy of the invoice in question is also on record.

10. In view of the overall facts and also keeping in mind the gracious concession given by learned counsel for respondent/plaintiff, the present petition is allowed with the direction that the defendant would be permitted to re-examine DW-4- Mr. A K Gupta and would also be permitted to place on record the subsequently obtained opinion which is based on comparison done with the original invoice.

11. Since the matter is fixed before the learned Trial Court tomorrow, both the parties shall take date for the purposes of such examination from the learned Trial Court and on such date, DW-4-Dr. A K Gupta would enter into witness box for his examination afresh.

12. The first opinion was given by Dr. A K Gupta was given way back on 11.10.2023 and if, the defendant were diligent enough, they could have easily obtained report based on the comparison with the original invoice.

13. Such action has been undertaken as late as on 30.06.2025.

14. Keeping in mind the abovesaid, the defendant (petitioner herein) is also



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burdened with cost of Rs. 35,000/- which shall be paid to the plaintiff tomorrow itself.

15. Needless to say, as agreed today, the plaintiff would also be at liberty to lead evidence in rebuttal pertaining to the abovesaid aspect related to expert opinion.

16. Petition stands disposed of in aforesaid terms.

17. Pending applications also stand disposed of in aforesaid terms.

**(MANOJ JAIN)**  
**JUDGE**

**AUGUST 29, 2025/sw/SHS**