



2026:DHC:1477



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

Date of Decision: 19th February, 2026

+ CM(M) 110/2023 & CM APPL. 3591/2023

SH. RADHEY SHYAM AND ANR

.....Petitioners

Through: Mr. Harshil Gupta and Mr. Satish
Kumar, Advocates (through VC).

versus

SURESH SHARMA

.....Respondent

Through Mr. Ishu Arora, Ms. Parul and Ms.
Manisha, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER (Oral)

Rajneesh Kumar Gupta, J.

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed by the petitioners under Article 227 of the Constitution of India, 1950 ('COI') assailing the order dated 26th November, 2022, passed by the learned Trial Court in Ex. 260/2018, whereby the application preferred by the petitioner/judgment debtor under Section 73 of the Indian Evidence Act, 1872 for sending the original receipts of payment for opinion of a handwriting expert has been dismissed.
3. Heard. Record perused.
4. Learned counsel for the petitioner submits that the trial Court has passed the impugned order on the basis of surmises and conjectures, which is contrary to the material on record. It is contended that the judgment-debtor had made several payments to the respondent/decreed-holder however, the issued receipts are now being denied by the respondent. It is, therefore,



submitted that in order to determine the exact amount paid by the judgment-debtor, examination of the said receipts by a handwriting expert is required.

5. *Per contra*, learned counsel for the respondents submits that this application has been moved only to delay the execution proceedings and to delay the payment. It is further submitted that the learned Trial Court has passed the impugned order after due consideration of the material available on record.

6. The relevant portion of the impugned order reads as follows:

“Taking the assistance of section 73 of Indian Evidence Act, the Court has asked both the JD as well as DH to put their signature on a piece of paper for perusal of the Court. The Court, has compared the signatures of both JD and DH with the admitted signatures which are present on the present execution petition and various affidavits filed by both the parties. The signatures of the JD however are matching with the signatures on the receipt as well as on the signatures made in the presence of the court. The signatures of the DH made before the court prima facie match with the signatures made on the execution petition and the affidavit which are the admitted signatures but are not similar on the face of it with the signature present on the alleged receipts. Moreover, the Court finds it hard to believe that if the payments were continuously coming to the DH, he had no reason to file the execution petition. Hence, the application under section 73 of IE Act seeking directions of the Court for sending the signatures to the FSL is without merit as the court on bare perusal of the handwriting has come to the opinion that the signatures on the receipts are not belonging to the DH. The application is dismissed being frivolous and devoid of merit and the JD is directed to pay a cost of Rs. 10,000/- to the DH. Application is accordingly disposed of.”



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7. The issue as to what amount has been paid by the petitioner to the respondent can be decided by the execution Court on the basis of the material available on record.

8. Upon perusal of the record and the observations made by the trial Court in the impugned order and the facts of the case, this Court is of the considered view that the present case does not warrant sending the receipts to the Forensic Science Laboratory ('FSL') handwriting expert, as sought by the judgment-debtor. Accordingly, as the trial court has passed a reasoned order and the same is upheld.

9. Accordingly, the petition is dismissed as being devoid of any merit. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

FEBRUARY 19, 2026/v/isk