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

Date of decision: 20th August 2025

+ **FAO(OS) (COMM) 128/2025 & CM APPL. 50251-50252/2025**

PARMEET SINGH ANAND & ANR.Appellants

Through: Mr. Ashish Dholakia, Sr. Adv. with
Mr. Ashish Agarwal, Mr. Gurkamal
Arora, Ms. Ramya Aggarwal, Ms.
Ananya Narain Tyagi and Mr. Kushal
Gupta, Advs.

versus

SUBHASH CHAND AGGARWAL & ANR.Respondents

Through: Mr. Ashutosh Lohia, Ms. Shraddha
Bhargava, Ms. Rishika Jain and Ms.
Mansi Rose Taneja, Advs.

CORAM:

HON'BLE MR. JUSTICE NITIN WASUDEO SAMBRE

HON'BLE MR. JUSTICE ANISH DAYAL

JUDGMENT (ORAL)

NITIN WASUDEO SAMBRE, J.

1. This present appeal has been filed by the plaintiffs/appellants against the judgement dated 06th August 2025 passed by the Ld. Single Bench of this Court in *I.A.No.20016/2022*, *I.A.No.14311/2023* and *CS (COMM) No.824/2022* titled as "*Parmeet Singh Anand & Anr. v. Subhash Chand Aggarwal & Anr.*" [hereinafter referred as "*impugned judgement*"]
2. The impugned judgement was passed in a suit for specific performance



initiated by the appellants (*original plaintiffs* in suit). The said judgement is questioned on two counts:

- a. That in *paragraphs 24* and *25*, the directions issued to the Station House Officer (***SHO***) are not sustainable and are in excess of jurisdiction.
- b. That since the amount of the consideration deposited by the plaintiffs/appellants to show his *bona fides* has been directed to be refunded to the plaintiffs/appellants, the Court ought to have worked out the equities in favour of the plaintiffs/appellants.
3. *Mr. Ashish Dholakia, Senior Counsel* for plaintiffs/appellants urged that the observations in *paragraphs 24* and *25* directing the SHO to conduct an inquiry are based on a complaint dated 17th January 2023 submitted by the defendants/respondents regarding the Agreement-cum-Receipt dated 12th July 2020, and the Forensic Science Laboratory (***FSL***) report which was submitted during the course of the proceedings before the Ld. Single Judge.
4. According to him, the FSL report is only a *prima facie* piece of evidence and cannot be accepted at this stage to infer that the plaintiffs/appellants has involved himself in commission of the offence of forgery.
5. According to him, unless the FSL report dated 29th November 2024, is proved in the trial by adducing appropriate evidence, the same cannot be accepted as admitted evidence so as to infer the *prima facie* involvement of the plaintiffs/appellants in the offence of forgery.
6. He would further claim that the direction issued to refund the amount was made *suo moto* at the time of rejection of prayer for injunction.



7. Counsel for plaintiffs/appellants submits that the plaintiffs/appellants has not withdrawn the amount till this date pursuant to the impugned judgement and is willing to continue with the said deposit till the disposal of the suit. As such, it is claimed that the equities ought to have been worked out by the Court, which it has failed to.

8. As against above, counsel for defendants/respondents have urged that the observations made by the Ld. Single Judge of this Court in *paragraphs 24 and 25* are in exercise of the inherent powers. It is urged that once the Court has *prima facie* noticed that the signatures on the receipt/allege agreement are not matching, the same can only lead to the conclusion/inference of forgery and, therefore the Court was within its authority and jurisdiction to issue the directions to the SHO.

9. It is further urged that neither an inquiry nor registration of offence is directed so as to carry out the investigation. Free hand is given to the SHO to look into the complaint dated 17th January 2023 in the backdrop of the FSL report about hand writing.

10. That being so, it is urged that the direction issued to the SHO are quite sustainable.

11. In addition, counsel for the defendants/respondents *Mr. Ashutosh Lohia*, invited our attention to the provision of Section 21 of the *Specific Relief Act, 1963* to claim that in case the plaintiffs/appellants succeed, he has his own remedy in the matter. In such an eventuality, the directions to refund the amount cannot be faulted. As such, dismissal is sought of the appeal.

12. We have considered the rival claims.

13. It appears that the suit for specific performance initiated by the



plaintiffs/appellants is based on the Agreement-cum-Receipt dated 12th July 2020 allegedly based on tendering of gold and also of cheques. Admittedly, the cheques were never encashed by defendants/respondents, whereas gold worth *Rs.5,00,000/-* which is allegedly was handed over by the plaintiffs/appellants to the defendants/respondents as part of the sale consideration receipt of which is denied.

14. The bone of contention that the gold worth *Rs.5,00,000/-* so paid appears to be the basis for seeking the specific performance, to claim that the earnest money was accepted by the defendants/respondents (*who is the owner*). It appears that the stand of the defendants/respondents is that the plaintiffs/appellants has practised forgery by drawing up the said receipt dated 12th July 2020. It is further claimed that based on the above, a police complaint dated 17th January 2023 was lodged with the police authority by the defendants/respondents.

15. If we consider the aforesaid defence of the defendants/respondents, what is required to be appreciated is that in case if the complaint dated 17th January 2023 preferred by the defendants/respondents was not acted upon by the SHO, there is a statutory remedy provided to the defendants/respondents for the said purpose.

16. The defendants/respondents have not taken recourse to such remedy and perhaps prayed before the Ld. Single Judge to invoke the inherent powers for issuing directions to the SHO, which prompted the observations made in *paragraphs 24 and 25*, which are in the nature of direction to the SHO to look into the complaint.

17. The fact remains that the directions are based on the FSL report dated



29th November 2024. The FSL report speaks of the mismatch of signatures on the alleged receipt and other admitted documents.

18. In such an eventuality, it cannot be said that the FSL report can be accepted as a concluded proof at this stage of the proceedings. The Ld. Single Judge rightly accepted the report as a *prima facie* document to infer that there is no *prima facie* case in favour of the plaintiffs/appellants. However, unless such report is proved by adducing sufficient evidence, at this stage of the proceedings, it cannot be said that the FSL report stands proved.

19. The perusal of observations in paragraphs 24 and 25 of the impugned judgment issues direction to the SHO to collect the FSL report and based on the same submit a status report to the Court.

20. As far as these directions are concerned, we are of the view that since the FSL report cannot be considered to be a concluded document as same is subject to scrutiny during the trial of the suit, the said report can be brought to the notice of the SHO, in case, he has any intention to proceed ahead with the investigation of the complaint preferred by the defendants/respondents.

21. As such, we modify the observations in para 24 and 25 to that effect.

22. We further clarify that the intention of the Ld. Single Judge appears to be that the report of the handwriting expert (FSL report) at this stage can be considered for the purpose carrying out of inquiry/investigation, if any.

23. We are of the view that directions issued in *paragraphs 24 and 25* stood explained to above extent.

24. This bring us to the next limb of submission *viz.* the working out of equities in favour of the plaintiffs/appellants.

25. It is rightly pointed out by the counsel for defendants/respondents that



Section 21 of the *Specific Relief Act, 1963* empowers the Court to award compensation in case the prayer to that effect is made.

26. It appears that the plaintiffs/appellants have not made any prayer to that effect in the plaint.

27. Keeping such liberty in favour of the plaintiffs/appellants, we are of the view that the order directing refund of amount of *Rs.5 crores* cannot be faulted and as such, the challenge to that extent, in our opinion, does not call for any interference.

28. In wake of above, the appeal stands partly allowed in above terms and is accordingly disposed of.

29. However, we make it clear that it shall be open for the defendants/respondents to place the copy of the FSL Report before the SHO for his appropriate reference.

30. *Dasti.*

31. Judgement be uploaded on the website of this Court.

NITIN WASUDEO SAMBRE, J

ANISH DAYAL, J

AUGUST 20, 2025/sky/tk