



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JODHPUR**

S.B. Civil Writ Petition No. 8018/2026
CNR: RJHC010342372026 | URN: CW / 14670U / 2026

Smt. Deu Bai D/o Shri Moda Ji Dangi W/o Shri Jitram Ji Dangi,
Aged About 60 Years, Roop Nagar Kacchi Basti, Near Sathliya,
Tehsil Badgaon District Udaipur, Rajasthan.

-----Petitioner

Versus

1. Laluram S/o Chatra Ji, Aged About 55 Years, Resident Of
Nokha, Tehsil Girwa, District Udaipur, Rajasthan.
2. Motilal, Nokha Tehsil Girwa District Udaipur Rajasthan
3. Bhagwantilal S/o Chatra Ji Dangi, Aged About 47 Years,
Resident Of Nokha, Tehsil Girwa, District Udaipur,
Rajasthan.

-----Respondents

For Petitioner(s) : Mr. Avin Chhangani
For Respondent(s) : Mr. J.K. Bhaiya

HON'BLE MR. JUSTICE FARJAND ALI

Order

REPORTABLE

DATE OF CONCLUSION OF ARGUMENTS	10/07/2026
DATE ON WHICH ORDER IS RESERVED	10/07/2026
FULL ORDER OR OPERATIVE PART	Full Order
DATE OF PRONOUNCEMENT	20/08/2026

BY THE COURT:-

1. By way of the instant writ petition under Article 227 of the Constitution of India, the petitioner-defendant has called in question the legality and propriety of the order dated 23.03.2026 passed by the learned Additional District Judge, Court No.2, Udaipur in Civil Original Suit No.18/2015 (CIS No.137/2015), whereby the application preferred by the petitioner under Order



VIII Rule 1(3) read with Section 151 of the Code of Civil Procedure, 1908 (for short, "the CPC"), seeking permission to place the original Forensic Science Laboratory (FSL)/handwriting expert report on record, has been rejected.

2. The controversy arises out of a suit instituted by the plaintiff-respondents seeking specific performance and permanent injunction on the strength of an agreement to sell dated 17.02.2002, allegedly executed by the petitioner's late mother, Smt. Debubai. The petitioner-defendant resisted the suit and, inter alia, pleaded that her mother had been taken to the Court on the pretext of proceedings relating to mutation of the land and that her signatures were thereafter obtained on a document described as a "Sahmati Patra" dated 07.07.2008 under a false pretext. In an endeavour to substantiate the allegation concerning the circumstances in which the signatures were obtained, the petitioner obtained an opinion from a private handwriting expert/SIFS, culminating in a report dated 04.05.2017, wherein it was opined that the signatures appearing on the said document did not correspond with the specimen signatures of Smt. Debubai.

2.1. It appears that the petitioner had earlier sought to place a photocopy of the aforesaid report on record. The learned trial Court, by order dated 02.09.2022, declined to take the photocopy on record, principally on the ground that the original report had not been produced. Thereafter, purporting to remove the aforesaid defect, the petitioner moved the application in question seeking permission to place the original report on record. The said



application came to be dismissed by the learned trial Court vide the impugned order dated 23.03.2026, giving rise to the present writ petition.

3. Learned counsel appearing for the petitioner assailed the impugned order by contending that the learned trial Court has adopted an unduly technical approach in refusing to take the original report on record. It was submitted that the earlier objection to the report was confined to the fact that only a photocopy had been produced and, therefore, once the original report was sought to be produced, there remained no justification for refusing its reception on record. It was further contended that the report constitutes material evidence in support of the petitioner's defence and that its production would cause no prejudice to the respondents, who would have full opportunity to contest its contents and test the opinion of the expert in accordance with law. Learned counsel submitted that the document was not being introduced with a view to set up an entirely new defence, but only to substantiate the defence already taken by the petitioner, and that a liberal approach ought to have been adopted in the interest of a complete and effective adjudication of the controversy. The petitioner accordingly prayed that the impugned order be set aside and the writ petition be allowed.

4. Per contra, learned counsel appearing for the respondents opposed the writ petition and supported the impugned order. It was contended that the petitioner had not laid any proper factual



foundation in the pleadings for placing reliance upon a handwriting expert's opinion. According to learned counsel, the petitioner never specifically pleaded that the signatures appearing on the document in question were forged or that they had been appended by a person other than Smt. Debubai. It was further submitted that the report dated 04.05.2017 had admittedly been in existence for several years, yet no satisfactory explanation had been furnished for its non-production at the appropriate stage. The belated attempt to introduce the report, therefore, amounted to an endeavour to supplement the petitioner's case after the commencement of evidence. It was also urged that an opinion of a handwriting expert is neither conclusive nor binding upon the Court and, in the facts of the present case, the proposed report would not materially advance the petitioner's defence. The respondents accordingly prayed for dismissal of the writ petition.

5. I have heard learned counsel for the parties and have carefully perused the impugned order as well as the material placed on record.

6. The controversy, though apparently confined to the question of taking an FSL/handwriting expert report on record, necessarily has to be examined in the context of the pleadings of the parties, the nature of the defence set up by the petitioner and the stage at which the document is sought to be introduced. The question is not merely whether the document exists in its original form, but whether its production at this stage is legally permissible and whether the document bears such relevance to the controversy



pleaded by the petitioner as would warrant the exercise of discretion in her favour.

6.1. At the outset, a careful and meaningful scrutiny of the written statement reveals that the petitioner has not specifically pleaded that the signature appearing on the document in question was not that of Smt. Debubai or that the same had been forged, fabricated or appended by some other person. The defence, as discernible from the pleadings, is that Smt. Debubai was taken to the Court on the pretext of proceedings relating to mutation of the land and that her signatures were obtained under a false pretext. The distinction between the two allegations is not merely semantic; it goes to the very foundation of the proposed expert evidence.

6.2. An allegation that the signature of an executant was procured by deception, misrepresentation or under a false pretext stands on a different footing from an allegation that the signature appearing on the document is not that of the executant at all. In the former case, the execution of the signature may not necessarily be denied, the grievance being directed towards the circumstances in which it was obtained. In the latter case, the very authorship of the signature is put in issue and a handwriting comparison may assume direct evidentiary relevance. The pleadings in the present case, however, do not disclose a specific challenge to the authorship of the signature itself.

6.3. Thus, while the petitioner seeks to place reliance upon a handwriting expert's report opining upon similarity or dissimilarity



of signatures, the factual foundation necessary for such evidence is conspicuously absent from the pleaded defence. This Court is conscious that pleadings are not to be construed with undue rigidity and that the Court ought to adopt a pragmatic approach while appreciating the substance of a party's case. Nevertheless, a party cannot be permitted, at the stage of evidence, to introduce a document which has the effect of creating or materially enlarging a factual controversy which was never specifically set up in the pleadings.

6.4. It is true that the learned trial Court, by its earlier order dated 02.09.2022, declined to take the FSL report on record primarily on the ground that the document produced before it was only a photocopy. However, the subsequent production of the original does not, by itself, furnish an absolute right to the petitioner to have the document taken on record. The earlier defect regarding the form of the document may have been capable of rectification by production of the original, but that does not dispense with the necessity of examining whether the document is otherwise relevant to the pleaded case and whether sufficient cause has been shown for its belated production.

6.5. The petitioner cannot, therefore, derive an indefeasible right to introduce the report merely from the circumstance that the earlier photocopy had been rejected. The Court is required to examine the entire matter in its proper perspective, including the nature of the report, the pleadings, the stage of the proceedings



and the explanation, if any, for the delay in producing the document.

6.6. The nature and evidentiary character of the report sought to be produced also merit consideration. Though described as an FSL report, the document, in substance, contains an opinion of a handwriting expert based upon a comparative examination of the disputed signatures with the specimen or admitted signatures. Such examination may take into account the formation of letters and strokes, their shape, size, proportion, alignment, spacing, slant, pressure, fluency and other characteristics which, according to the expertise and experience of the examiner, may assist in forming an opinion regarding the authorship of the signatures.

6.7. The conclusion arrived at by a handwriting expert is, therefore, essentially an opinion founded upon specialised skill, experience and examination of the characteristics of the writings or signatures under comparison. It cannot, merely by reason of being contained in a report bearing the nomenclature of "FSL", be elevated to the status of conclusive or infallible scientific proof. The evidentiary value of such opinion necessarily depends upon the material examined, the reasons assigned by the expert, the circumstances in which the opinion has been rendered and, above all, its relevance to the issue actually arising for adjudication.

6.8. The distinction is important. A handwriting expert may undoubtedly assist the Court where a disputed signature or writing requires examination with the aid of specialised knowledge. The purpose of such evidence is to place before the Court an informed



opinion based upon the expert's skill and experience, enabling the Court to appreciate a matter which may not be capable of satisfactory determination by ordinary observation alone. The expert, however, does not perform the adjudicatory function. The opinion expressed by him is neither binding upon the Court nor conclusive of the fact in issue. It remains one piece of evidence, the weight of which has to be determined by the Court after considering the entire evidentiary material available before it.

6.9. In other words, the opinion of a handwriting expert may illuminate the Court's consideration of a disputed signature, but it cannot supplant the Court's own assessment. The expert may furnish the Court with reasons for accepting or rejecting a particular conclusion; he cannot, however, pronounce the ultimate judicial finding. The Court is required to independently examine the opinion and to test it against the pleadings, admitted documents, oral testimony and other surrounding circumstances. Consequently, even an opinion expressing dissimilarity between the disputed and specimen signatures cannot, by itself, conclusively establish that the signature was forged or that it was not made by the person to whom it is attributed.

6.10. Viewed in this light, the description of the document as an FSL report does not materially alter its character. The report in question is essentially a handwriting comparison founded upon the expert's assessment of writing characteristics. It is not a document which, merely by its nomenclature, carries with it an irrebuttable scientific presumption. Its relevance and probative



worth must necessarily depend upon the issue for which it is sought to be relied upon.

6.11. In the facts of the present case, even if it is assumed that the proposed handwriting expert has opined that the disputed signatures are dissimilar from the admitted signatures of Smt. Debubai, such opinion, by itself, would not materially advance the defence set up by the petitioner. The petitioner has not specifically pleaded that the signatures appearing on the document were not those of Smt. Debubai, that they were forged, or that they had been affixed by somebody else. Her case, as pleaded, is that she was taken to the Court on a false pretext and that her signatures were obtained in the circumstances stated by her. There is, therefore, a distinction between questioning the circumstances in which a signature was obtained and disputing the very authorship of the signature. The proposed expert report is directed essentially towards the latter, whereas the pleadings do not disclose such a case.

6.12. This also brings into focus the basic distinction between pleadings and evidence. In every civil proceeding, the pleadings set out the material facts constituting the claim or defence, and the evidence is thereafter led to establish those facts. The same principle, in its appropriate context, applies to criminal proceedings as well, where the prosecution case, the charge and the defence taken by the accused define the controversy which the Court is required to determine. The purpose of evidence is to prove or disprove the case which has been placed before the



Court; it is not to enable either party to introduce, at the stage of evidence, a materially different case.

6.13. It is true that a party is not required to plead the evidence by which every fact is to be established. What is required is that the material facts forming the basis of the case should be placed before the Court. Once such facts are pleaded, the party may lead appropriate evidence to support, substantiate, corroborate, bolster or otherwise establish them. But there is a clear distinction between producing evidence in support of an existing plea and using evidence to supply a material fact which was never pleaded. The former is permissible; the latter cannot ordinarily be permitted, particularly where it changes the nature of the controversy or causes prejudice to the opposite party.

6.14. In the present case, had the petitioner specifically pleaded that the disputed signatures were not those of Smt. Debubai, or that they had been forged or affixed by some other person, a handwriting expert's opinion comparing those signatures with her admitted signatures could certainly have been relevant to support, corroborate or bolster such a plea. That, however, is not the case which has been pleaded. The petitioner seeks to rely upon the proposed report for establishing the authorship of the signatures, although the authorship itself has not been placed in issue in the pleadings. The proposed evidence would, therefore, go





beyond merely proving or bolstering the existing defence and would introduce a factual issue which has not been made part of the case.

6.15. The Court is conscious that pleadings are not required to contain every detail of the evidence which a party proposes to produce. At the same time, the evidentiary stage cannot be permitted to become a means of curing a substantive omission in the pleadings. A party must first disclose the material fact upon which its case rests and may thereafter seek to prove that fact by admissible evidence. Evidence can support, explain, corroborate or strengthen a pleaded case; it cannot ordinarily be permitted to furnish the foundation of a case which was never pleaded.

6.16. Viewed in this light, the proposed handwriting expert report cannot be treated as a necessary piece of evidence for adjudicating the defence actually set up by the petitioner. The report may have some evidentiary relevance if the authorship of the signatures itself were in issue, but that is not the controversy emerging from the pleadings in the present case. There is consequently a material variance between the case pleaded and the case which the petitioner now seeks to establish through the proposed expert evidence. Such an exercise cannot be permitted merely because the proposed report may have some bearing upon the document in question.

6.17. The position, therefore, is that pleadings constitute the foundation of the case and evidence is led upon that foundation. The Court may permit a party to prove what it has pleaded, but it



cannot ordinarily permit the party to develop an altogether new factual basis through evidence. In the present case, since the petitioner has not specifically disputed the authorship of Smt. Debubai's signatures, the proposed handwriting report, insofar as it seeks to establish that the signatures were not made by her, travels beyond the pleaded defence and cannot be regarded as necessary for adjudication of the controversy in the form in which it has been placed before the Court.

6.18. The present matter, therefore, involves two interlinked considerations. First, the proposed report does not have a clear and direct nexus with the defence as pleaded, since the petitioner has not specifically disputed the authorship of the signature attributed to Smt. Debubai. Secondly, the report, though in existence since 04.05.2017, has been sought to be introduced at a much later stage without a satisfactory explanation for its non-production at the appropriate time.

7. Considering these circumstances cumulatively, persuade this Court that the learned trial Court cannot be said to have committed any jurisdictional error or material irregularity in refusing to take the original report on record. The impugned order reflects an exercise of procedural discretion in the context of the pleadings and the stage of the proceedings and does not disclose such perversity or patent illegality as would warrant interference under Article 227 of the Constitution of India.

7.1. The supervisory jurisdiction of this Court under Article 227 is intended to keep subordinate Courts within the bounds of their



jurisdiction and to ensure that the discretion vested in them is exercised judicially and in accordance with law. It is not an appellate jurisdiction to re-weigh every procedural determination merely because another view may also be possible. Interference becomes warranted where the order suffers from manifest illegality, perversity, jurisdictional transgression or such material irregularity as results in failure of justice. No such circumstance is discernible in the present case.

7.2. The petitioner has also failed to demonstrate that refusal to take the report on record would result in any manifest failure of justice. The report is not conclusive evidence of the fact sought to be established; nor can it supply the foundational plea which is absent from the written statement. Its production, in the circumstances noticed hereinabove, would therefore not materially alter the evidentiary position in favour of the petitioner.

7.3. For the foregoing reasons, this Court finds no ground to interfere with the order dated 23.03.2026 passed by the learned Additional District Judge, Court No.2, Udaipur in Civil Original Suit No.18/2015 (CIS No.137/2015).

8. Consequently, the instant writ petition, being devoid of merit, is dismissed. The order dated 23.03.2026 passed by the learned Additional District Judge, Court No.2, Udaipur, declining the petitioner's prayer for taking the original FSL/handwriting expert report on record, is hereby affirmed. No order as to costs.

8.1. It is, however, made clear that the observations contained in this order are confined strictly to the controversy relating to the



production of the aforesaid report and the circumstances governing its admissibility at the present stage. Nothing herein shall be construed as an expression of opinion on the merits of the suit or on any other issue falling for adjudication before the learned trial Court, which shall proceed independently on the basis of the evidence otherwise lawfully available on record.

9. The writ petition stands disposed of accordingly. The stay petition and all pending applications, if any, also stand disposed of.

(FARJAND ALI),J

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