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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 12.11.2025*+ **CM(M) 2150/2025, CM APPL. 70381/2025 & 70382/2025**

RAHUL TYAGI

.....Petitioner

Through: Mr. Sehdev Gupta and Ms. Nirja,
Advocates.

versus

KAMLESH & ORS.

.....Respondents

Through: None.

CORAM: JUSTICE GIRISH KATHPALIA**ORDER (ORAL)**

1. Petitioner/plaintiff has assailed order dated 22.05.2025 of the learned trial court, whereby his application under Section 45 of the Indian Evidence Act to send the seal covered documents to some government agency for forensic analysis was dismissed. Having heard the learned counsel for petitioner, I do not find it a fit case to even issue notice.

2. Broadly speaking, the circumstances relevant for present purposes are as follows. The petitioner/plaintiff filed certain documents in a sealed cover before the trial court. Those documents were primarily a Will, General Power of Attorney and a Possession Letter. The petitioner/plaintiff in the application under Section 45 of the Evidence Act pleaded that he has



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reasonable apprehension that those documents were tampered with. This apprehension of petitioner/plaintiff, according to him was based on his observation that at the time of opening of the sealed envelope before the trial court, the seal was found broken. That being so, the application under Section 45 Evidence Act was filed for directions to send those documents to government approved or court approved forensic expert for analysis. It also appears that the learned trial court, in view of the above submissions of petitioner/plaintiff carried out an administrative enquiry but found nothing to support the allegation of tampering. From enquiry, it was found that the plastic tape on the envelope remained intact and so far as cracks in the seal are concerned, on account of storage of such envelopes in bulk, the same at times does take place due to weight of the files.

3. Learned counsel for petitioner/plaintiff contends that the apprehension of the petitioner/plaintiff is not baseless that the documents inside the sealed cover were tampered with. Learned counsel also submits that if not the documents, at least the envelope be sent for forensic analysis in order to ascertain if the seal was broken. Learned counsel for petitioner places reliance on judgment in the case titled ***Thiruvengadam Pillai vs Navaneethammal***, 2008 SCC OnLine SC 321.

4. So far as the judicial precedent referred by learned counsel is concerned, the same would not help the petitioner/plaintiff because it was held in the said precedent that instead of relying upon personal comparison of the disputed handwritings, it would be preferable if the trial court gets the documents forensically examined. That is not the issue in this case.



5. As mentioned above, the apprehension that the documents were tampered with is mere apprehension. It is not with certainty that the petitioner/plaintiff would allege tampering of the documents. Merely on such apprehension, sending the documents to government approved forensic analyst would unnecessarily protract the suit.

6. It is not unimaginable that when sealed envelopes are stored in almirahs or racks of Ahlmad rooms, flooded with files, the seal made of *lac* does get damaged/cracked. This does not mean that the documents inside it do not remain safe. As found by the learned trial court during administrative enquiry, the plastic tape with which the envelope was closed remains intact. On this aspect, submission of learned counsel for petitioner/plaintiff that atleast the envelope be sent to forensic expert falls completely beyond the domain of the *lis*.

7. Most importantly, as observed in the impugned order, the petitioner/plaintiff had filed photocopied set of same documents and those were found identical to the original documents taken out of the envelope.

8. Going by the aforesaid, I am unable to find any infirmity, much less any perversity in the impugned order that would call for intervention of this court under Article 227 of the Constitution of India.

9. The present petition and the accompanying applications are not just completely devoid of merit but are also totally frivolous, so dismissed with cost of Rs.10,000/- to be deposited by petitioner/plaintiff with DHCLSC



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within one week from today.

10. Copy of this order be sent to the learned trial court to ensure compliance as regards deposit of cost.

GIRISH KATHPALIA
(JUDGE)

NOVEMBER 12, 2025/ry