



WEB COPY



A.No.5801 of 2023

Application No.5801 of 2023

in

C.S.No.669 of 2015

ABDUL QUDDHOSE, J.

This application has been filed seeking for reception of additional documents. The applicant/first defendant has disclosed the documents in the Judges Summons to this application and they are numbered as Sl.Nos.1 to 12.

2. Insofar as Sl.Nos.3 to 8 are concerned, they are all orders passed by the Delhi High Court and they are all available to the public. Therefore, there is no necessity in seeking permission for reception of those documents (orders), as the same can be relied upon by the first defendant during the course of the arguments, subject to its admission, proof and relevancy.

3. However, insofar as Sl.Nos.1,2 and 9 to 12 are concerned, the learned counsel for the first respondent/plaintiff raised serious objections for permitting the applicant/first defendant to file those documents on the ground that those documents pertain to dates which are subsequent to the



A.No.5801 of 2023

filing of this suit and the plaintiff is not a party to any of those documents. However, the learned counsel for the applicant/first defendant would submit that in order to substantiate the first defendant's defence in the suit, the documents referred to in Sl.Nos.1,2 and 9 to 12 are required to be received and marked as exhibits. However, she would also submit that the said documents can be marked as exhibits, subject to its admission, proof and relevancy.

4. The suit has been filed for infringement and passing off. No prejudice would be caused to the first respondent/plaintiff if the documents disclosed in Sl.Nos.1,2 and 9 to 12 are allowed to be received and marked as exhibits, subject to its admission, proof and relevancy. The objections raised by the plaintiff through its learned counsel today with regard to marking of those documents are recorded by this Court. Liberty is granted to the learned counsel for the plaintiff to raise all those objections during the course of his arguments in the main suit. In the application like the present one, this Court will have to take a lenient view and being a commercial suit, the trial in the suit should not get delayed by keeping this application pending.



A.No.5801 of 2023

5. For the foregoing reasons, this Court grants leave to the applicant/first defendant to file the documents disclosed in Sl.Nos.1,2 and 9 to 12 in the Judges Summons to this application. The said documents are allowed to be received as additional documents and permitted to be marked as exhibits on the side of the applicant/first defendant, subject to its admission, proof and relevancy. Liberty is also granted to the first respondent/plaintiff to raise all objections with regard to marking of exhibits in Sl.Nos.1,2 and 9 to 12 disclosed in the Judges Summons to this application during the course of plaintiff's arguments in the main suit. This application is disposed of accordingly.

6. Since some of the documents have been allowed to be received and permitted to be marked as exhibits, subject to its admission, proof and relevancy, the learned counsel for the first respondent/plaintiff seeks time to file an additional affidavit of admission/denial of documents on behalf of the plaintiff.

Post the matter for filing of the additional affidavit of admission/denial of documents on 28.11.2023.

16.11.2023



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