

2024:PHHC:037543

**136 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR-1626-2024(O&M)

Date of decision: 14.03.2024

Nayar Advance Defence System Pvt. Limited and another

....Petitioners

Versus

Silver Software Pvt. Ltd and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Viraj Gandhi, Advocate for the petitioners

Ms. Urvika Suri, Advocate for the respondents

ANIL KSHETARPAL, J (Oral)

1. This revision petition has been filed to challenge the correctness of an interlocutory order passed by the Commercial Court while dismissing the petitioners' (defendants') application under Order XI Rule 10 of the Commercial Courts Act, 2015.

2. In order to comprehend the issues involved in the present case, some relevant facts, in brief, are required to be noticed.

3. The respondent Silver Software Pvt. Ltd has filed the suit for recovery of money by sale of the mortgaged property which is at the stage of final arguments. The defendants (petitioners herein) filed an application for permission to place on record the additional documents namely emails dated 20.11.2014, 20.02.2015, 30.07.2015, 07.03.2017 and 28.04.2018, which has been dismissed by the trial court.

4. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

5. In order to ascertain the relevance of the documents sought to be produced, this Court has examined the emails, that are sought to be produced by the defendants. Admittedly, none of these emails have been written by the respondents(plaintiffs). These emails are routine communications sent by one Sh.Girish Gopal, who is not even a party to the petition. There are certain emails sent by the petitioners. Thus, the trial court was correct in observing that the petitioners cannot claim that these emails were not to his knowledge. In any case, the case is at the final stage. Commercial suits are required to be decided expeditiously. The petitioners never relied upon these documents, while filing the list of documents.

6. Keeping in view the aforesaid facts, no ground to interfere is made out.

7. Hence, dismissed.

8. All the pending miscellaneous applications, if any, are also disposed of.

14.03.2024

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE