



\$~42

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

+ **FAO(OS) (COMM) 170/2023**

CEC-CICI JV & ORS. & ORS.

.....Appellants

Through: Mr T.K. Ganju, Sr. Advocate with
Mr Gaurav Juneja, Mr Arijit Oswal,
Mr Soorya Bala and Ms Muskan
Narang, Advocates.

versus

ORIENTAL INSURANCE CO. LTD. & ANR.Respondents

Through: Mr Apoorv Sarvaria, Ms Yashika
Sarvaria and Ms Simran Chadha,
Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

13.08.2024

%

[Physical Hearing/Hybrid Hearing (as per request)]

1. This appeal is directed against the judgment and order dated 15.05.2023 passed by the learned Single Judge.
2. Mr T.K. Ganju, learned senior counsel, who appears on behalf of the appellants, says that although the core issue in the appeal concerns the erroneous rejection of the plea of the appellants/plaintiffs to place on record additional documents, he would confine the appeal to placing on record the statement of the appellants'/plaintiffs' Accountant concerning books of accounts, in terms of Section 65(g) of the Indian Evidence Act, 1872.

FAO(OS) (COMM) 170/2023

Page 1 of 2



3. Mr Apoorv Sarvaria, learned counsel, who appears on behalf of the respondent/Insurance Company, says that the said statement can be taken on record, subject to any objection that the respondent/Insurance Company may wish to raise before the trial court.
4. The appeal is disposed of with leave to the appellants/plaintiffs to place the statement of the Accountant on record concerning books of account on which the suit action is based, subject to objections that the respondent/Insurance Company may want to raise, *albeit*, as per law.
5. Given this position, the appellants/plaintiffs are also given leave to place on record fresh affidavits of evidence of their witnesses in place of the existing affidavits. It is made clear that the fresh affidavits of evidence would be filed without appending additional documents which were subject matter of the impugned judgement and order.
6. The appeal is disposed of in the aforesaid terms.

RAJIV SHAKDHER, J

AMIT BANSAL, J

AUGUST 13, 2024/PB

Click here to check corrigendum, if any