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

% ***Date of Decision: 16th October, 2024***

+ **CM(M) 3305/2024 & CM APPL. 60826/2024**

SMT. ANURADHA KAPOOR & ORS.

.....Petitioner

Through: Mr. Sanjeev Anand, Senior Advocate
with Mr. Rajnish Kumar Gaiind, Mr.
Hemant Kaushik, Mr. Himanshu
Gupta and Mr. Deepak Prakash,
Advocates

versus

M/S. PRIME TIME INDIA LIMITED & ORS.

.....Respondent

Through: Mr. Irfan Ahmed, Advocate for R1 &
R2

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is plaintiff before the learned Trial Court and is aggrieved by order dated 26.07.2024 whereby he was not permitted to summon the concerned official from the Registrar of Companies (ROC) for the purpose of proving certain documents while observing that these were beyond pleadings.
2. According to learned counsel for petitioner/plaintiff, these documents were already on record and if one goes through the averments made in the plaint, it could not have been concluded that these documents were beyond pleadings but despite that the learned Trial Court has refused to take such documents on record and has not even permitted the plaintiff to lead any evidence pertaining to those documents.



3. Main petition is otherwise listed for 09.12.2024.
4. In the interregnum, aforesaid application has been moved by the plaintiff whereby he seeks stay of the suit claiming that if the matter is disposed of, the present petition might become infructuous.
5. Learned counsel for the respondents appears on advance notice.
6. Heard.
7. With the consent of both the sides, the date is preponed and arguments have been heard on main petition.
8. Sh. Ahmed, learned counsel for respondent though opposes the aforesaid contention made by the petitioner, he, at the same time, states that he would have no objection if, without prejudice to his rights and contentions, one opportunity is granted to the plaintiff/petitioner herein to get the aforesaid official from ROC examined for proving said documents. He, however, submits that his objection that these documents are beyond pleadings may be left open and he may be permitted to address arguments to said effect before the learned Trial Court, at the stage of final arguments.
9. In view of the above, the present petition is disposed of while directing the learned Trial Court to permit the plaintiff to call the concerned official from ROC in order to prove such documents. However, it is clarified that plaintiff would be entitled to only one but effective opportunity in this regard.
10. Needless to say, since permission has been granted, these documents, which were already on record, would be deemed to be on record.
11. It is also clarified that learned Trial Court would be at liberty to decide on the aspect of relevancy of said documents at the time of final argument, without getting influenced by any of the observations made in the present



order.

12. Since suit is reported to be more than two decades old, it is expected that both the sides would provide due assistance and co-operation to the learned Trial Court so that suit reaches its logical conclusion, as quickly as possible.

13. Petition stand disposed of in the aforesaid terms.

14. Date fixed stands cancelled.

(MANOJ JAIN)
JUDGE

OCTOBER 16, 2024/dr