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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 3855/2024**
M/S M.P. ELECTRONICSPetitioner

Through: Mr. Sunil Kumar, Advocate.

versus

M/S SARTHAK ELECTRONICS P. LTD.Respondent
Through:

CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

% **20.11.2024**
CM APPL. 67381/2024 (exemption)

Allowed, subject to all just exceptions.

This application stands disposed of.

CM(M) 3855/2024

1. This petition impugns the order dated 06.07.2024 passed by the Court of learned District Judge, Commercial Court-03, South West District, Dwarka Courts, New Delhi, whereby the application filed by the petitioner under Order VII Rule 14 of CPC was dismissed in CS (COMM) 05/2019, titled as, "**M/S M.P. Electronics vs. M/S Sarthak Electronics Pvt. Ltd.**".
2. The plaintiff filed a suit for recovery before the Commercial Court. He filed an application under Order VII Rule 14 of CPC for placing on record the transcript of voice recording conversation between him and the respondent. According to him, such recording was available in the memory of his mobile phone and such recording reveals that the respondent accepted



his liability regarding the payment. Petitioner sought the permission of Court to place the recording in a pendrive before the Court.

3. The impugned order reveals that an application under Section 151 of CPC was filed by the respondent seeking direction to the petitioner to deposit the mobile phone for obtaining the expert opinion to verify as to whether there was any tempering made by the petitioner with regard to the recording.

4. The learned counsel of the petitioner submits that recorded conversation would show that the respondent admitted his liability, and therefore, the recorded conversation is very much essential for the proper adjudication of the case.

5. Order VII Rule 14 of CPC provides that where the plaintiff relies upon a document in his possession or power in support of his claim, he shall enter it in a list and produce it in Court when the plaint is presented by him and shall also deliver a copy of the same with the plaint.

6. It is admitted stand of the petitioner that conversation was recorded in the mobile phone of the petitioner, which was in his power and possession. The suit was filed in 2019. Admittedly, the transcript of the conversation was not filed with the suit. Timelines are provided for the disposal of cases of commercial nature, and therefore, they need to be strictly adhered to by the parties. There is no explanation as to why despite having the mobile phone in his possession, the transcript of the conversation, if was to be relied upon by the plaintiff in support of his case, was not filed with the plaint.

7. Moreover, the mobile phone which contained the recorded conversation has already been sold by the petitioner, and therefore, the primary evidence is not available for proving the transcript of conversation.



8. The evidence of plaintiff has already been closed. The case is, at present, pending for defendant's evidence. Considering the totality of facts and circumstances, Court does not find any justification for permitting the petitioner to place the transcript of conversation on record at such a belated stage. There is no illegality or impropriety in order passed by the learned Trial Court.

9. Petition is accordingly dismissed.

RAVINDER DUDEJA, J

NOVEMBER 20, 2024/vp