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

% *Date of Decision: 28.11.2025*

\+ **<u>CM(M) 38/2024 & CM APPL. 7984/2024</u>**

AMIT SEHGAL .....Petitioner

Through: Mr. Tejas Mehta, Advocate (*through videoconferencing*)

versus

RAJESH SANDHYANA .....Respondent

Through: None.

CORAM: JUSTICE GIRISH KATHPALIA

<u>O R D E R</u> (ORAL)

1. Petitioner has assailed order dated 16.11.2023 of the learned commercial court, whereby application of the petitioner/plaintiff (*filed at the stage of final arguments*) under Order VII Rule 14 CPC and under Order XVIII Rule 3 CPC for permission to file additional documents was dismissed. I have heard learned counsel for petitioner/plaintiff but none appears on behalf of the respondent and since the predecessor bench had directed the learned trial court to hear final arguments but not to pass orders, I find no reason to adjourn the matter awaiting counsel for respondent.

2. Broadly speaking, it appears that in the suit for recovery of money, the petitioner/plaintiff at the stage of final arguments filed the application for permission to place on record additional documents, taking the ground that the petitioner/plaintiff is asthmatic patient and at the time of filing the suit, invoices of transactions between the parties for the period from 01.04.2018

onwards along with ledger account were not filed, but during cross-examination of petitioner/plaintiff, the other side denied the previous transactions, so the present application was required. After hearing both sides, the learned trial court dismissed the application by way of the impugned order.

3. It is contended on behalf of petitioner/plaintiff that on account of his illness related to prostate, the petitioner/plaintiff could not file complete documents at appropriate stage. Learned counsel for petitioner/plaintiff contends that in view of cross-examination of plaintiff, it has become necessary for the petitioner/plaintiff to place on record additional documents pertaining to transactions from the year 2018 onwards. No other submission has been advanced.

4. The suit was filed in the month of January, 2023, without there being any reference to any of the subject additional documents. Rather, till conclusion of the trial, there was not even a whisper of existence of any such documents. It is also significant to note that the petitioner/plaintiff duly filed with the suit various tax invoices as well as ledger account; if those documents could be filed by petitioner/plaintiff, it remains unexplained as to why the subject additional documents were not filed in time.

5. Further, in the written statement, the defendant had taken a clear stand as regards the business transactions prior to the year 2018 and had also filed ledger account for the period from 01.04.2017 to 31.03.2019 at appropriate stage. On 14.07.2023, the first case management hearing was conducted and

on the basis of pleadings of the parties, issues were framed after which evidence of petitioner/plaintiff concluded on 16.08.2023 and evidence of respondent/defendant concluded on 28.08.2023, posting the matter for final arguments on 27.09.2023. It is at that stage, the application was filed on behalf of petitioner/plaintiff which led to the impugned order.

6. If the subject additional documents could not be filed at appropriate stage on account of alleged illness of the petitioner/plaintiff (*despite which he filed the remaining documents*), nothing prevented the petitioner/plaintiff to seek leave and reserve opportunity to file the additional documents at some later stage, though certainly not after conclusion of trial. But no such request was made. Rather, there is not even a whiff of denial that the subject additional documents were always in custody, power, possession and control of the petitioner/plaintiff at the time of institution of the suit.

7. More importantly, as mentioned above, even according to petitioner/plaintiff the need to file the subject additional documents came up only after cross-examination of petitioner/plaintiff and conclusion of trial. This is nothing but an effort to plug lacunae, which cannot be allowed.

8. I am unable to find any infirmity in the impugned order so the same is upheld. The petition and the accompany application are dismissed.

GIRISH KATHPALIA

Digitally signed by GIRISH KATHPALIA
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GIRISH KATHPALIA
(JUDGE)

NOVEMBER 28, 2025/'*rs*'

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