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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CM(M) 345/2023 & CM APPL. 29025-29026/2025**
M/S ROOTS MULTICLEAN LTD.Petitioner

Through: Mr. Sanjay Vashishtha with Mr. L A
Vashishtha, Mr. Siddharth Karnawat
and Mr. Siddharth Goswami,
Advocates.

versus

M/S SOMADITYA MANAGEMENT AND CONSULTING
SERVICES PVT. LTD.Respondent
Through: Mr. Nirmal Goenka, Advocate.

CORAM:
HON'BLE MR. JUSTICE MANOJ JAIN

ORDER
14.05.2025

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1. Petitioner is plaintiff before the learned Trial Court and has moved an application seeking early hearing.
2. Learned counsel for petitioner/plaintiff submits that the defendant has already made a statement before the learned Trial Court that he does not want to lead any evidence in defence and, therefore, the matter is otherwise, ripe for final arguments.
3. Learned counsel for respondent/defendant appears on advance notice and with the consent of the both the sides, the main petition has been taken up for consideration today itself.
4. The controversy lies in a very narrow compass.
5. The petitioner herein i.e. M/s Roots Multiclean Limited had filed a suit



for recovery. According to the plaintiff, who is engaged in business of industrial cleaning and sweeping equipments, based on several orders placed upon him by the defendant-M/s Somaditya management and Consulting Services Pvt. Ltd., it supplied material to defendant, from time to time. A running account was also maintained by the plaintiff and according to averments made in the suit, there is outstanding balance of Rs. 13,02,536/- and suit has been filed seeking recovery of abovesaid amount with interest.

6. Para 4 of the plaint reads as under:-

“4. That the defendant placed several orders upon the plaintiff and accordingly the defendant from time to time since a long time. The plaintiff raised its invoices which were duly acknowledged by the defendant. The plaintiff is maintaining a running account in the name of the defendant in the regular course of its business.”

7. The suit has been resisted by the defendant and in its written statement, it, *inter alia*, claimed that the plaintiff may be put to strict proof in respect of material supplies, invoices raised and delivered and payments not made by the defendants.

8. After completion of pleadings and before the issues could be framed, the plaintiff moved an application under Order XI Rule 1 (5) of CPC.

9. According to plaintiff they had an office situated in Jamshedpur and a fire took place on account of short circuit at such office and, therefore, several records got damaged and the plaintiff had to, therefore, shift his office resources to another place in a hurry.

10. According to plaintiff, he was able to retrieve some old data and prayed



that he may be permitted to place on record all such documents, which, inter alia, included purchase order dated 29.03.2017, and invoice of 22.08.2017 of Rs. 2,536/-.

11. The application was opposed by the defendant and the learned Trial Court *vide* order dated 09.01.2023 dismissed the application. It observed that leave to place on record such documents could have been granted only when the plaintiff was able to establish a “reasonable cause” for non-disclosure of all such documents. Learned Trial Court also observed that the procedure for filing of documents in commercial suit, required meticulous compliance.

12. After hearing arguments for some time, learned counsel for petitioner, without prejudice to his rights and contentions, does not press the present petition. He submits that the case is already at the stage of final arguments and he would address final arguments before the learned Trial Court.

13. Petition stands disposed of as not pressed.

14. Pending applications also stand disposed of in aforesaid terms.

15. The next date i.e.22.05.2025 stands cancelled.

MANOJ JAIN, J

MAY 14, 2025/sw/PB