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

+ **CM(M) 320/2025**

SUNAR GOLD REFINERIES PVT. LTD.Petitioner

Through: **Mr. Siddharth Arora and Ms. Jasleen
Kaur, Advs.**

versus

M/S. SHRI BALAJI ADV.Respondent

Through: **Mr. Prateek Dhanda, Advs.**

CORAM:

HON'BLE MR. JUSTICE RAVINDER DUDEJA

ORDER

25.02.2025

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CM(M) 320/2025 & CM APPL. 9363/2025 (stay)

1. The petition under Article 227 of the Constitution of India impugns the order dated 15.01.2025 passed by the learned Trial Court in CS SCJ No. 1599/2022, titled as "*M/S. SHRI BALAJI ADV. VS. SUNAR GOLD REFINERIES PVT. LTD.*"
2. Respondent filed a Civil Suit for recovery of money which the petitioner claims was a counter-blast to the FIR No.238/2021.
3. Petitioner filed the written statement 20.02.2023 which lacks supporting documents including the Board Resolution dated 16.02.2023.
4. Realising that certain documents including the Board Resolution dated 16.02.2023 were not filed with the written statement on 20.05.2024, the petitioner filed applications for placing on record the additional documents and for amending the written statement.



5. Both applications were dismissed by a common order dated 15.01.2025.
6. The applications were dismissed mainly on the ground of delay, as also, on the ground that additional documents were already available with the petitioner at the time of the filing of the written statement.
7. The learned counsel for petitioner submits that procedural rules should not override the substantive justice and that the learned Trial Court could have imposed cost instead of refusing to take the documents on record.
8. It is further submitted that evidence of the parties have yet not begun and, therefore, no prejudice could have been caused to the respondent.
9. Since, the trial had yet not commenced, there was no legal bar in permitting the amendments sought for by the petitioner.
10. It is neither the case of the respondent nor observed by the learned Trial Court in the impugned order that the proposed amendments would change the nature of the case.
11. At this stage, the learned counsel for respondent states under instructions that without prejudice to the rights and contentions on merits, respondent has no objection, in case, the impugned order be set aside and both the applications filed by the petitioner be allowed, subject to heavy cost.
12. Keeping in view, the entire facts and circumstances, as also, the concession granted by the respondent and further taking note that the applications were filed one year since after the filing of the FIR, the petition is allowed and both the applications filed under Order VI Rule 17 and under Order VIII Rule 1A read with Section 151 CPC are allowed, subject to cost



of Rs.20,000/-.

13. Petitioner is directed to make the payment of cost to the respondent on or before the next date listed before the learned Trial Court.

RAVINDER DUDEJA, J

FEBRUARY 25, 2025/sky/r