



2025:DHC:11084



\$~30

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

%

Date of Decision: 09.12.2025

+

CM(M) 1043/2025, CM APPL. 34057/2025, 47008/2025 & 34058/2025**M/S ANANYAA SPACE DESIGN AND CONSULTANTS & ANR.****.....Petitioners**

Through: Mr. Sandeep Sharma, Senior Advocate with Mr. Vatsal Kumar, Ms. Anumeha and Ms. Kavya, Advocates.

versus

M/S RANJIT INTERIOR**.....Respondent**

Through: Mr. R.K. Chaudhary, Advocate.

CORAM: JUSTICE GIRISH KATHPALIA**ORDER (ORAL)**

1. Petitioners/defendants have brought this petition under Article 227 of the Constitution of India to assail order dated 04.01.2025 passed by the learned Commercial Court, whereby application of the petitioners/defendants to place on record additional documents was dismissed. I have heard learned senior counsel for petitioners and learned counsel for respondent.

2. Broadly speaking, after framing of issues in the suit for recovery of money towards consideration of work done, the petitioners/defendants filed

*CM(M) 1043/2025**Page 1 of 4 pages*

Signature Not Verified

Digitally Signed
By: NEETU N NAIR
Signing Date: 09.12.2025
18:10:36

GIRISH
KATHPALIA

Digitally signed by GIRISH KATHPALIA
DN: cn=GIRISH KATHPALIA, o=HIGH COURT OF DELHI, ou=JUDICIAL OFFICE, email=girish.kathpalia@delhihi.org, c=IN
Date: 2025.12.09 18:10:36 +05'30'



2025:DHC:11084



an application under Order XI Rule 1(10) CPC seeking permission to place on record certain additional documents, which are number of emails exchanged between the parties, photographs of the work site and certain audio-video recordings between representatives of the parties. The said application was dismissed by the learned trial court by way of the order impugned in the present proceedings. The learned trial court was not convinced by the explanation for delay in filing the subject documents. That explanation was that the counsel who was dealing with the suit left the law firm, so the documents were not traceable.

3. Learned senior counsel for petitioners/defendants submits that the impugned order is not sustainable in the eyes of law, especially because it was not denied in reply to the application that the subject additional documents are relevant to the *lis*. Further, learned senior counsel for petitioners/defendants has also taken me through record, pointing out that earlier the plaintiff (*respondent herein*) had issued a notice to the petitioners/defendants under Order XII Rule 8 CPC and on account of relocation of the counsel's office, tracing out those documents took some time and now it is those subject documents which petitioners/defendants seek to place on record.

4. Learned counsel for respondent supports the impugned order and submits that there is no satisfactory explanation advanced on behalf of petitioners/defendants for not having filed the subject documents at an appropriate stage. It is also contended on behalf of respondent/plaintiff that the subject documents are largely the electronic documents, which could



2025:DHC:11084



have been put to the witnesses of plaintiff during cross-examination.

5. In rebuttal, learned senior counsel for petitioners/defendants submits that on account of dismissal of the application under Order XI Rule 1 (10) CPC, the subject documents could not be put to the witnesses in cross- examination.

6. In nutshell, relevance of the subject additional documents to the subject suit is not in dispute. The subject emails, photographs and audio-video recordings would reflect on the quality and quantity of the work allegedly carried out by the respondent/plaintiff, against which he filed the subject suit.

7. I find substance in the view taken by the learned commercial court that keeping in mind the nature of the subject additional documents, it cannot be denied that those documents were always in power and possession of the petitioners/defendants. But at the same time, the submission of learned senior counsel for petitioners/defendants also cannot be completely brushed aside that on account of the advocate handling the matter having left office of the main counsel, there was default. More importantly, it also cannot be ignored that the respondent/plaintiff himself had issued a notice under Order XII Rule 8 CPC to the present petitioners/defendants.

8. It would also be significant to keep in mind that when the application under Order XI Rule 1(10) CPC was filed, trial was yet to commence. As informed by both sides, issues were framed on 15.04.2024 and the application under Order XI Rule 1(10) CPC was filed on 02.11.2024, while



2025:DHC:11084



chief examination of PW1 was conducted on 30.01.2025. It is also informed by both sides that as on date, only one witness of respondent/plaintiff has been examined as PW1 and learned senior counsel for petitioners/defendants submits that they have to confront PW1 with the subject documents, for which they would take one and only one opportunity, for which they are ready to even bear cost.

9. Considering the peculiar circumstances described above, the impugned order is set aside and the petition is allowed subject to costs of Rs.25,000/- which shall be paid by the petitioners/defendants to the respondent/plaintiff through counsel within one week and also subject to the condition that petitioners/defendants shall have one and only one opportunity to confront PW1 with the said additional documents, for which the learned trial court shall fix the date according to its calendar. It is informed by both sides that trial is listed tomorrow itself, so both sides shall apprise the learned trial court with this order. At request of learned counsel for both sides it is made clear that tomorrow, the defendant's evidence shall not be commenced.

10. Pending applications also stand disposed of.

**GIRISH
KATHPALIA**

Digitally signed by GIRISH KATHPALIA
DN: c=IN, o=HIGH COURT OF DELHI,
2.5.4.20=8401dd889b27a77b2f65ffffe4afe
c45569af3962c0fb4835d435197626acca,
ou=HIGH COURT OF DELHI, CN=7047638,
postalCode=110003, st=Delhi,
serialNumber=d3e86796451ec45c07b5d1
5570996b40f80cbd2eee60402c487965ff8
01e26fa, cn=GIRISH KATHPALIA
Date: 2025.12.09 17:10:34 -08'00'

**GIRISH KATHPALIA
(JUDGE)**

DECEMBER 09, 2025/ry

CM(M) 1043/2025

Page 4 of 4 pages

Signature Not Verified

Digitally Signed
By: NEETU N NAIR
Signing Date: 09.12.2025
18:10:36