



2025:DHC:7695



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* IN THE HIGH COURT OF DELHI AT NEW DELHI

% *Date of Decision: 1st, September, 2025*

+ CM(M) 1685/2025& CM APPL. 54820-54821/2025

TRANS IMAGE CORPORATION

.....Petitioner

Through: Mr. Abhinav Sharma with Ms. Avsi
Malik and Mr. Shubham,
Advocates.

Versus

M/S G3 INFO SYSTEMS PVT LTD & ANR.

.....Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE MANOJ JAIN****J U D G M E N T (oral)**

1. Petitioner has filed a suit for recovery which is directed against two different companies.
2. When the plaintiff's witness entered into witness-box and was under cross-examination, the defendants confronted them with one E-mail and the relevant question and the answer given by the witness and the further direction given by the Court read as under:-

"At this stage, the witness is shown email dated 24.07.2012 sent by trimco@gmail.com to the defendant companies. Attention of the witness is drawn to point D of the said email. The e-mail is now Mark X1

Q. Is it correct to say that the above mentioned portion of the email reflects that counter-guarantees were being given by the defendant companies to the Plaintiff firm?

Ans. I cannot recall if this email has been sent by the Plaintiff to the defendant. I will have to check my record.

It is correct that this email ID trimco@gmail.com is mine. I have not filed the entire communication with the defendant companies. I have only filed



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what was relevant.

Remaining cross-examination is deferred with direction to the witness to produce the entire email correspondence with the defendant companies.”

3. The grievance in the present petition is with respect to the abovesaid direction whereby the learned Trial Court has directed plaintiffs to produce the *entire e-mail correspondence*.

4. According to learned counsel for petitioner/plaintiff, they have no reservation in placing on record the exchange of e-mails but since there was never any request from its adversary, such directions were not warranted. Moreover, e-mails, which were relevant and germane in context of recovery in question, have already been relied upon by them.

5. Primarily, it looks that the entire e-mail communication has been sought by the learned Trial Court for its own satisfaction and the direction is not based on any request coming from the side of the defendants.

6. The power of the Court in this regard is wide enough and the Court, in order to have its due satisfaction with respect to any *fact in issue*, can always direct any party to bring any such record or document. These unfettered powers cannot be questioned in the manner, it has been done. Such power flows from Section 168 in Bharatiya Sakshya Adhiniyam, 2023 (earlier Section 165 Indian Evidence Act, 1872) which reads as under:-

“168. Judge's power to put questions or order production. The Judge may, in order to discover or obtain proof of relevant facts, ask any question he considers necessary, in any form, at any time, of any witness, or of the parties about any fact; and may order the production of any document or thing; and neither the parties nor their representatives shall be entitled to make any objection to any such



question or order, nor, without the leave of the Court, to cross-examine any witness upon any answer given in reply to any such question: Provided that the judgment must be based upon facts declared by this Adhinyam to be relevant, and duly proved: Provided further that this section shall not authorise any Judge to compel any witness to answer any question, or to produce any document which such witness would be entitled to refuse to answer or produce under sections 127 to 136, both inclusive, if the question were asked or the document were called for by the adverse party; nor shall the Judge ask any question which it would be improper for any other person to ask under section 151 or 152; nor shall he dispense with primary evidence of any document, except in the cases hereinbefore excepted.”

7. Thus, a court is fully empowered in asking for production of any document. The objective is to reach the truth, which is eventual goal of any trial-be it civil or criminal. Moreover, the Court can't be expected to be a mute spectator or mere observer. The abovesaid direction of learned Trial Court clearly indicates that the Court has actively engaged itself in the trial and thereby playing a pivotal role in pursuit of truth.

8. Since these are primarily for perusal of the Court, quite apparently, no prejudice is going to be caused to the plaintiffs in case, such exchange of e-mails, which is between the plaintiff and defendant, is produced. Thereafter, it will be entirely up to the learned Trial Court as to what further action is to be taken once the e-mails are produced before it.

9. Viewed thus, this Court does not find any real requirement of interfering with the impugned order, particularly, when it does not disclose any illegality or perversity.

10. Petition is, accordingly, dismissed.

11. The pending applications also stand disposed of.



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12. Since the suit in question is of the year 2016, learned Trial Court is requested to make best endeavour to dispose it of as expeditiously as possible.

(MANOJ JAIN)
JUDGE

SEPTEMBER 1, 2025/sw/SHS