



2025:DHC:7736



\$~105

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
% **Date of Decision: 02nd September, 2025**
+ CM(M) 1702/2025, CM APPL. 55302/2025, CM APPL. 55303/2025
& CM APPL. 55304/2025
R. KRISHNAMURTHY AND CO

.....Petitioner

Through: Mr. Manish Sharma, Sr. Advocate
with Mr. Mikhil Vij, Advocates.

versus

M/S SKB INFRATECH

.....Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. Petitioner is defending a suit which is commercial in nature.
2. The learned Trial Court, while hearing arguments, sought some clarification and when the matter was taken up by the learned Trial Court on 28.08.2025 the following order was passed:-

"It is submitted by Ld. Counsel for plaintiff that the emails through which the RA bills were sent to the defendant and the other email communication related to the project in question, is in possession of the plaintiff though no clarification is furnished for not filing these documents on record. However, to arrive at just conclusion, plaintiff is directed to bring on record all the email communications with defendant pertaining to the project in question, alongwith presence of plaintiff on next date of hearing."

3. Indubitably, the power of the Court is wide enough and in order to have its complete satisfaction with respect to facts and issues involved, it can always direct any party to produce any document in terms of Section 168 in



Bharatiya Sakshya Adhiniyam, 2023, 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 Adhiniyam 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.”

4. The abovesaid provision, as extracted above, comes with a proviso and the final judgment has to be based upon the facts which are relevant and *duly proved*.
5. Mr. Manish Sharma, learned Senior Counsel for defendant also submits that all these e-mail communications were in the knowledge of the plaintiff and it could have easily relied upon those e-mails, if it was of the view that these e-mails communications were relevant.
6. This Court would lay stress and emphasize to the abovesaid proviso. Even if the Court seeks any clarification, the judgment, in any case, has to be based on *those relevant facts those which have been duly proved on record*.
7. This Court, therefore, expects that the Court would adhere to the abovesaid specific provision and would proceed further with the matter in



2025:DHC:7736



accordance with law.

8. The matter, thus, does not call for any interference and the present petition stands disposed of in aforesaid terms.

9. Needless to say, the petitioner would be at liberty to file petition afresh, in case, need so arises.

10. The pending applications also stand disposed of in aforesaid terms.

11. A copy of this order be given *dasti* under the signatures of Court Master.

(MANOJ JAIN)
JUDGE

SEPTEMBER 2, 2025/ss/shs