



2026:DHC:2739



\$~61

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 01st April, 2026

+ CM(M) 146/2025 & CM APPL. 4505/2025

KASHIM AHMED

.....Petitioner

Through: Mr. Keshav Ahuja and Ms. Shivali
Sharma, Advocates.

versus

HARISH KUMAR

.....Respondent

Through: Mr. Rakesh Kumar, Advocate
(through VC) along with respondent in
person.**CORAM:****HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA****ORDER (Oral)****Rajneesh Kumar Gupta, J.**

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, 1950, assailing the order dated 16th December, 2024 passed by the learned Trial Court in CS (COMM.) No. 163/2023, whereby the application filed by the petitioner/defendant under Order XI Rule 5 of the Code of Civil Procedure, 1908 ('CPC') seeking directions to the respondent/plaintiff to produce his statement of account, has been dismissed.
3. Heard. Record perused.
4. Learned counsel appearing on behalf of the petitioner has argued that the trial Court has passed the impugned order on the basis of surmises and conjectures which is against the facts and law. The respondent had deliberately concealed the prior transactions to the said date and so, the



production of bank statements of the respondent's business account is necessary in order to bring all the true facts on record. However, by dismissing the said application, the trial Court had deprived the petitioner of an opportunity to present all his necessary evidence for proper adjudication of the matter. On these grounds it is prayed that the impugned order be set aside.

5. *Per contra*, learned counsel for the respondent has argued that the trial court has passed the impugned order after considering the material on record and the application seeking directions to the respondent/plaintiff to produce his statement of account has been moved by the petitioner only to delay the proceedings. Therefore, the present petition is liable to be dismissed as it is devoid of any merits.

6. The relevant portion of the impugned order reads as follows:

*“There is another application filed by the defendant u/o 11, Rule 1(3) CPC seeking directions to the plaintiff to produce his statement of account. After conclusion of recording of evidence in the matter, it no more lies with the defendant to ask the plaintiff to produce one document or the other. **This application also stands dismissed.**”*

7. A perusal of the record reflects that the plaintiff (P.W.1) has been cross-examined at length by the petitioner. Moreover, the evidence of the respondent as well as of the petitioner had already been concluded and the matter is now fixed for final arguments.

8. The application seeking production of documents, having been filed after the evidence of the plaintiff already stands concluded. This Court does not find any merit in the application as during the cross-examination of the plaintiff, no question was put to the plaintiff as to produce the said document and it has been moved only to delay the final disposal of the case.



2026:DHC:2739



Accordingly, this Court does not find any infirmity in the impugned order and the petition is dismissed as being devoid of any merit. Pending application(s), if any, also stand disposed of.

RAJNEESH KUMAR GUPTA, J

APRIL 01, 2026/v/isk

Signature Not Verified

Signed By: VAIISHALI
CHAUHAN
Signing Date: 02.04.2026
11:45:25

CM(M) 146/2025

Page 3 of 3