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

\# **CNR No. DLHC010286562026**

\+ **CM(M)-IPD 39/2026 and CM 165/2026**

PATANJALI FOODS LIMITED .....Petitioner

Through: Mr. J. Sai Deepak, Sr. Advocate with Mr. Amit Chanchal Jha, Mr.Rohit, Advocates.

versus

ASHA AND ASHA TRADERS .....Respondent

Through: Mr.Neeraj Grover, Sr. Advocate with Mr.Mohit Sharma and Mr.Mohit Kumar, Advocates.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% 05.10.2026

1. Heard Mr. J. Sai Deepak and Mr. Neeraj Singh Grover, learned senior counsel appearing on behalf of the petitioner and the respondent respectively.

2. By way of the present petition, the petitioner challenges the order dated 23.02.2026 passed by the learned District Judge (Commercial Court)-01, Patiala House Courts, New Delhi, in CS (COMM) No. 565/2024, titled ***Patanjali Foods Limited v. Asha & Asha Traders***, whereby the petitioner's application under Order XI Rule 1(5) read with Section 151 of the Code of Civil Procedure, 1908 has been rejected.

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3. The petitioner, who is the plaintiff in the suit, sought to place four additional documents on record. Document no.1 comprises invoices issued in the name of Ruchi Soya Industries Limited. Document no.2 consists of certain printouts from the internet. Document nos.3 and 4 are the NOC issued by the Registrar of Trade Marks and the copyright registration certificate, respectively.

4. As regards document no.1, the petitioner's case is that the name of Ruchi Soya Industries Limited was officially changed to Patanjali Foods Limited on 24.06.2022. Thereafter, the name in the SAP software was updated for operational convenience and uniformity of records. Resultantly, the invoices for the period 2009 to 2021, which were filed along with the plaint, bear the new name. The petitioner wanted to place on record the corresponding invoices in the erstwhile name, by way of clarification. The Court below rejected the application, holding that no reasonable cause was shown for non-disclosure of the documents along with the plaint.

5. This Court, *vide* order dated 09.07.2026, was of the *prima facie* opinion that the same invoices cannot be claimed to have been issued by two companies. The petitioner was, therefore, directed to place on record an expert opinion justifying its position. The expert opinion has been filed on 08.08.2026.

6. Learned senior counsel for the respondent vehemently opposes the petition. It is submitted that the invoices are already on record in the name of Patanjali Foods Limited. If the petitioner is able to justify that they were actually issued by Ruchi Soya Industries Limited, the same can be explained during the course of trial.

7. The said submission seems reasonable. The invoices already form part

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of the record. What remains is the explanation as to the name they bear, which is a matter of evidence. Whether the SAP update explains the position, and what weight the expert opinion deserves, can be decided only after the parties lead evidence.

8. The Court below was justified in emphasising the strict disclosure regime under Order XI CPC for commercial suits. However, the observations regarding the nature of the invoices were made at a preliminary stage, on the basis of the material then available. At the stage of grant of leave to place documents on record, the Court is not required to consider the genuineness of the documents.[1] That question would be better examined at trial, on the basis of evidence.

9. Insofar as document nos.3 and 4 are concerned, they have admittedly been issued after the filing of the suit. Order XI Rule 1(5) CPC applies only to those documents which were in the power, possession, control or custody of the plaintiff when the plaint was filed. The provision could not have been invoked to reject these two documents. The respondent has, rightly, given its consent for taking them on record.

10. *Qua* document no.2, the Court below has not rendered any finding. The said aspect, therefore, requires fresh consideration.

11. In view of the above, the Court deems it appropriate to dispose of the instant petition in the following terms:

i. With respect to document no.1, liberty is granted to the petitioner to explain before the concerned Court that the same is the result of the change in the name of the petitioner and has also happened on

[1] *Sudhir Kumar @ S. Baliyan v. Vinay Kumar G.B.*, 2021 SCC OnLine SC 734 and *Md. Islamuddin v. S.S. Kapoor*, 2022:DHC:4587

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account of the update in the SAP software.

ii. The legal objection on behalf of the respondent is preserved.

iii. The findings *qua* document no.1 rendered by the Court below shall not come in the way while dealing with the genuineness of the same document, if the petitioner proves that the same is the result of the updation in the SAP software.

iv. With respect to document nos.3 and 4, which have admittedly been issued after the filing of the suit, and with the consent of the respondent, the said documents are allowed to be taken on record.

v. *Qua* document no.2, the Court below is directed to re-decide the said issue after hearing both the parties.

12. The impugned order stands modified to the above extent. Nothing observed hereinabove shall be construed as an expression of opinion on the merits of the case.

13. The petition is disposed of in the above terms.

PURUSHAINDRA KUMAR KAURAV, J

OCTOBER 5, 2026
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