

CS (Comm) No. 293-23
Rajan Wahi Vs. Ajay Taneja

30.03.2024

Present:- Sh. Rajesh Samanotra, Ld. Counsel for plaintiff with plaintiff / PW1.

Sh. Shantanu Awasthi, Ld. Counsel for defendant.

Ld. Counsel for plaintiff has filed an application u/s 151 CPC for taking certificate u/s 65B of Evidence Act on record and reply to the application under Order XI Rule 1(5) r/w Section 151 CPC filed by defendant to take on record additional documents.

Arguments heard on the application under Order XI Rule 1(5) r/w Section 151 CPC.

It is submitted by learned counsel for applicant/defendant that defendant wants to file on record handwriting expert's report obtained from Truth Labs. He further submits that said report was not available with the applicant/defendant at the time of filing WS, therefore, same be permitted to take on record.

On the other hand, learned counsel for non-applicant/plaintiff opposes the application on the ground that defendant denied his signatures on the invoices on the basis of which plaintiff has filed the present suit and the said fact that defendant does not have signature on the said invoices was available to the defendant, therefore, defendant can file the same and got compared prior to filing of WS.

I have heard submissions and gone through the record.

Since the defendant has got handwriting comparison with the alleged defendant handwriting on the invoices filed by plaintiff after filing of WS, therefore, said document was generated after filing of WS, I allow the application and take the same on record.

As far as application u/s 151 CPC is concerned, learned counsel for plaintiff submits that plaintiff wants to file certificate u/s 65B of Evidence Act in respect of printout of GST documents as copy has been taken from the portal of GST department. Application not opposed. Hence, I allow the application and take the same on record.

PW1 Sh. Rajan Wahi is recalled for further examination in chief. He is partly examined in chief and his remaining examination in chief is deferred at the request of plaintiff's counsel.

After consulting with both the parties, the following schedule for the recording of the evidence and submissions of arguments has been finalized by consensus:

- 1). The evidence of the plaintiff witnesses shall be recorded on **26.04.2024**.
- 2). The evidence of the defendant witnesses shall be recorded on **13.05.2024 & 18.05.2024**.
- 3). Final arguments shall be addressed by the parties on **03.06.2024**, as prayed.

(Sanjeev Kumar Aggarwal)
District Judge (Commercial Court)-01,
Central, Tis Hazari Courts,
Delhi/30.03.2024