8 Shilpa Khanna Vs. Vipul Sachdeva

CS (Comm) No. 577/2025
16.12.2025

Present : Sh. Santosh Kumar, Ld. Counsel for the plaintiff alongwith Sh. Pradeep Gupta, SPA holder of plaintiff in person.
Sh. Ajay Bansal, Ld. Counsel for the defendant.

An application under Order 11 Rule 1 (5) CPC of the plaintiff for permission to file additional documents is pending consideration.

Ld. Counsel for the defendant submitted that the documents that the plaintiff now seeks to rely are in fact supporting the defendant and therefore the defendant would have no objection if the same are taken on record though the plaintiff has not explained as to why the same could not be filed earlier with the plaint when these documents always were in the custody and possession of the plaintiff.

Ld. Counsel for the plaintiff submitted that the documents that the plaintiff now seeks the permission to file reflects the payments received from the defendant in the account of the plaintiff as the defendant has not acknowledged the entire payments that the defendant has made to the plaintiff for the goods supplied.

Heard.

The plaintiff's suit is for recovery of money, the plaintiff seeks to recover an amount of Rs. 947204/- from the defendant on the set of facts that the plaintiff engaged in the business of sale and purchase of readymade garments and fabrics under the name and style of M/s. Aarna Fab, has been supplying readymade garments /

fabrics to the defendant, proprietor of M/s. VNG Designs, against tax invoices towards which payments through cheque / RTGS / NEFT were being made in the plaintiff's account. That the plaintiff has supplied goods worth Rs. 1058204/- to the defendant, defendant has made part payments of Rs. 66000/-, and had not come forward to clear the balance outstanding amount of Rs. 992204/-, it is only when legal notice was sent dated 19.3.2024 that the defendant made further part payments of Rs. 45000/- and the balance that now remains unpaid in respect of the goods sold to the defendant is in the amount of Rs. 947204/-, which is being claimed with interest.

The defendant filed written statement disputing the liability alleging that as per the account statement of the defendant, the defendant has incurred liability of Rs. 100104/- only and that as the plaintiff supplied rough quality of material the defendant has stopped purchasing readymade garments and fabric from the plaintiff. The defendant relied on ledger statement and online payment details which according to the plaintiff do not reflect some payments received which are duly reflected in the bank account statement of the plaintiff and therefore the bank account statement is now being filed.

The necessity on the part of the plaintiff to set the record straight by producing the account statement arose to meet the discrepancy in the record relied by the defendant and is relevant and material for the present adjudication. The defendant has no objection, the issues are yet to be settled, for such reasons, the application stands allowed, and the document is taken on record alongwith additional list of documents.

Ld. Counsel for the defendant submitted that the defendant is required to file the affidavit of admission / denial of the documents taken on record today.

For completion of admission / denial, framing of issues, first case management hearing, put up on **6.1.2026**.

(**Neelofer Abida Perveen**)
DJ (Commercial Court)-01, Central,
THC/Delhi / 16.12.2025
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