

Counter Claim No. 14/18
Awasthi Shipping Services P. Ltd. Vs. M/S Destination Cafe P.
Ltd.

09.04.2025

Present: Mr. Prashant Bajaj and Mr. Prakhar Vashisht, Ld.

Counsels for the counter-claimant.

Mr. Mahesh Chaudhary, Ld. Counsel for the
respondent.

The application of the counter claimant to bring on
record additional documents is taken up for consideration.

By this application, the counter claimant wants to
bring on record orders of Hon'ble High Court and orders of
Hon'ble Supreme Court, besides an order dated 30.07.2018
passed by NDMC, representation dated 01.05.2024 and
acknowledgment qua representation dated 02.05.2024.

Ld. Counsel for the respondent submits that the
respondent is not opposing the application to the extent of
bringing on record the orders of Hon'ble High Court and Hon'ble
Supreme Court.

He submits that the other documents cannot be taken
on record.

Arguments are heard and the record is perused.

The order dated 30.07.2018 passed by NDMC
cannot be taken on record since no explanation has been
furnished for not taking steps to bring on record this document at
an earlier stage and before issues were framed on 31.08.2018.

Ld. Counsels for the counter claimant have
submitted that the representation dated 01.05.2024 was made to

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NDMC for de-sealing of the premises.

The representation is stated to have been made in terms of order dated 15.12.2023 passed by the Hon'ble Supreme Court. Since the representation was made only on 01.05.2024, it could not have been filed at an earlier stage. No prejudice will be caused to the respondent if the document is taken on record since the respondent is yet to lead its entire evidence and can also cross-examine the counter claimant with regard to the document.

For this reason, the Court is inclined to take on record the representation and the document containing acknowledgment of having submitted the representation.

The application of the counter claimant for taking on record additional documents is disposed off with a direction that the orders of Hon'ble High Court and Hon'ble Supreme Court, representation dated 01.05.2024 and acknowledgment dated 02.05.2024 are taken on record.

To come up for evidence of the counter claimant on 29.05.2025.

Let advance copy of evidence by way of affidavit be supplied to the Ld. Counsel for the respondent at least seven days prior to the next date of hearing, if not already supplied.

(Shirish Aggarwal)
District Judge-03
Patiala House Courts, New Delhi
09.04.2025