

**IN THE COURT OF PULASTYA PRAMACHALA, DISTRICT
JUDGE (COMMERCIAL COURT-01), PATIALA HOUSE
COURTS, NEW DELHI**

CS (COMM.) 867/2025

M/s V S F Realtors Pvt. Ltd

...Plaintiff

Versus

M/s Foodaholic Factory Private Limited & Anr

... Defendants

13.03.2026

ORDER

1. Vide this order, I shall decide application under Order VI Rule 15- A CPC of Commercial Courts Act filed on behalf of defendants.
2. In the application, it is averred that the present plaint has not been verified in accordance with the requirements of law. It is pleaded that in the verification clause of the plaint, paragraphs 1 to 20 have been stated to be true to the knowledge of the person verifying the same, whereas paragraphs 21 to 25 have been stated to be correct on the basis of legal advice and believed to be true. It is contended that a perusal of the format of the Statement of Truth prescribed under the Schedule to the Commercial Courts Act indicates that it contains separate declarations with regard to (i) statements based on personal knowledge, (ii) statements based on information received and believed to be true, and (iii) statements based on legal advice. According to defendants, the verification of the plaint and the Statement of Truth filed along with the plaint, are not in compliance with the mandatory requirements of law and, therefore, the plaint cannot be treated as a validly instituted plaint

and is liable to be dismissed. It is further averred that the affidavit under Section 63 of the Bharatiya Sakshya Adhiniyam and the affidavit/application under Order XI Rule 6(3) CPC, as amended by the Commercial Courts Act, do not disclose the particulars of the computer or printer from which the electronic records were generated. According to defendants, in the absence of such particulars there is non-compliance with the statutory requirements and, therefore, the plaint of plaintiff company cannot be entertained by this Court. On these premises, defendants have prayed for dismissal of the plaint.

3. Ld. counsel for the plaintiff submitted that there is no infirmity at all in the verification clause and same has been prepared in accordance with law.
4. I have perused the plaint as well as Statement of Truth and affidavit under Section 63 BSA. In para 3 of the Statement of Truth, the deponent has mentioned about para no.1 to 20 being true as per his knowledge and para 21 to 25 being based on legal advice. 'True' and 'correct' as per knowledge would be same thing. Being correct as per informatio received would be another thing. It is for the party to decide that which particular part is based on his knowledge and which part of pleading is based on information. Enquiry into basis of such knowledge and information, cannot be conducted at this stage. As if now, I do not find any infirmity in the pleadings. Number of pages are also mentioned in the Statement of Truth. Therefore, such objection on the part of defendants is apparently frivolous and without any just reason.

5. As far as certificate under Section 63 BSA is concerned, I am in agreement with plea that same does not mention particulars of relevant computer and printer and it is not in accordance with format provided in law. Unfortunately, even applicants herein have filed certificate in this manner without disclosing anything in their affidavit. Needless to state that for such reasons suit cannot be dismissed.
6. Plaintiff is directed to file fresh affidavit in accordance with provision/format provided under law, with advance copy to the opposite party.
7. Application is dismissed.

Pronounced in the open Court

on this 13th March, 2026

(Pulastya Pramachala)

District Judge (Commercial Courts)-01

New Delhi District, PHC, New Delhi