

20 CS 37/17

**M/S KAVITA EXPORTS PVT LTD. Vs. M/S KAAYA U. K.
LTD.**

14.08.2024

At 12:34pm

Present: Ms. Swadha Gupta, Ld. Counsel for the plaintiff
Sh. Anshul Gupta, Ld. counsel for the defendants.

Matter is listed for arguments on the application under Order VIII Rule 1A (3) CPC for seeking permission for filing additional documents along with set of documents.

During the course of arguments, Ld. counsel for plaintiff, on instructions submits that plaintiff company has no objection, if the present application be allowed subject to heavy cost and without prejudice to the rights and contentions of plaintiff company.

By way of the application under Order VIII Rule 1A(3) CPC, the defendants wants to bring the some additional documents on record i.e. (1) e-mails along with invoices and copies of insurance claims, sent by and between plaintiff and defendant company, (2) Copy of examinations and cross examination of plaintiff witness in CC No.58433/2016 (Complaint U/s 138 NI Act), (3) Cross examination of CW-1 Sh. Aman Bansal recorded in CC No.56221/2016 (Complaint u/s 138 NI Act), (4) Copy of judgment dated 09.10.2023 & (5) Other documents. It is stated in the application that defendant through these additional documents wants to rebut the additional documents filed by plaintiff after getting the leave of the Hon'ble

(2)

High Court of Delhi vide common order dated 01.08.2023 passed in CM(M) No.821/2023, CM(M) No.825/2023 and CM(M) No.826/2023. It is submitted by Ld. counsel for defendant that the aforesaid additional documents are relevant and necessary and would assist this court to adjudicate the dispute in hand complete and effectively.

In view of the submissions, contentions made in the application, no objection given by Ld. Counsel for plaintiff and also considering the fact that plaintiff shall have a right to cross-examine defendant witnesses on the said additional documents and shake its veracity during cross examination, therefore, the present **application stands allowed subject to cost of Rs.12,500/- which is to be paid to plaintiff on or before the NDOH.**

Additional documents filed along with the application are taken on record.

Application under Order VIII Rule 1A (3) CPC is accordingly disposed of.

Put up for cross examination of PW-1 on 22.11.2024 at 11:00am.

Date is given as per the convenience of Ld. counsels.

(Deepanker Mohan)
District Judge-04
Shahdara District/KKD Courts/Delhi
14.08.2024