

**IN THE COURT OF LXXXII ADDL. CITY CIVIL & SESSIONS
JUDGE, AT BENGALURU (CCH. 83)**

THIS THE 05TH DAY OF OCTOBER 2021

**PRESENT:
SRI. DEVARAJA BHAT. M., B. COM, LL. B.,
LXXXII ADDL. CITY CIVIL & SESSIONS JUDGE,
BENGALURU.**

Com.OS.No.7168/2015

BETWEEN:

Smt. Shahnaz Bano

: PLAINTIFF

AND

**Mr. Mansoor Naghnoor
and Another.**

: DEFENDANTS

**ORDERS PASSED UNDER ORDER XI RULE 4 (7) OF
CIVIL PROCEDURE CODE AS AMENDED UNDER
SECTION 16 OF COMMERCIAL COURTS ACT.**

Based on the Statement of Admissions and Denials filed by both parties, after hearing the Advocate for both parties, the following order is passed.

**The Documents marked on behalf of the Plaintiff
based on Statement of Admissions and Denials of the
Defendants**

1. Joint Development Agreement dated 08.05.2014 is already marked as Ex.P.1.
2. Notice Dated 09.07.2015 addressed by the Plaintiff is already marked as Ex.P.4.
3. Copy of Reply Notice dated 13.07.2015 issued on behalf of Defendant No.1 is marked as Ex.P.6. (Though this document is denied, the same is marked in the light of observation made at Para No.31 of the Judgment passed in CS(COMM)919/2016 & CC(COMM)122/2017 dated 27.08.2018 in the case of Burger King Corporation vs. Techchand Shewakramani & Ors., of Hon'ble High Court of Delhi).
4. Copy of Reply Notice dated 13.07.2015 issued on behalf of Defendant No.2 is marked as Ex.P.7. (Though this document is denied, the same is marked in the light of observation made at Para No.31 of the Judgment passed in CS(COMM)919/2016 & CC(COMM)122/2017 dated 27.08.2018 in the case of Burger King Corporation vs. Techchand Shewakramani & Ors., of Hon'ble High Court of Delhi).

**The Documents marked on behalf of the Defendants
based on Statement of Admissions and Denials of the
Plaintiff.**

1. Copy of Legal Notice dated 23.05.2016 is marked as Ex.D.1. (Though this document is denied, the same is marked in the light of observation made at Para No.31 of the Judgment passed in CS(COMM)919/2016 & CC(COMM)122/2017 dated 27.08.2018 in the case of Burger King Corporation vs. Techchand Shewakramani & Ors., of Hon'ble High Court of Delhi).

At Para No.31 of the Judgment passed in **CS(COMM)919/2016 & CC(COMM)122/2017 dated 27.08.2018 in the case of Burger King Corporation vs. Techchand Shewakramani & Ors.,** of Hon'ble High Court of Delhi, it is held as follows:-

“A Large number of documents belonging to the parties have been denied indiscriminately. Documents which are available publicly and are verifiable such as trademark certificates, copyright certificates from India and other countries, as also documents issued by governmental authorities ought not to be permitted to be denied. Such denials are completely bereft of merit and tend of prolong the trial in a suit. The purpose of admission/denial is to deny only those documents whose existence, genuinity or authenticity is disputed and not to merely harass the opposite side into proving each and every document with certified copies/original. Especially in commercial matters, the process of admission/denial deserves to be cut short where the dispute between the parties is very narrow. Documents such as e-mail correspondence, legal notices, replies, internet printouts, etc. ought not to be permitted to be denied. The practice adopted by

parties to deny in general all the documents of the opposite side has been the bane of adjudication of civil suits. It is with this purpose that the provisions of the Commercial Courts Act as also the recent amendments by the Delhi High Court in the Original Sides Rules has been carried out. Admission/denial affidavits ought to be fair, bona fide and not with an intention to prolong trials. Keeping these provisions in mind, parties are given another opportunity to file their affidavits of admission/denial so that triable issues can be easily identified and struck. Any unjustified denial would be liable to be dealt with as per the provisions of the Commercial Courts Act and Delhi High Court (Original Side) Rules, 2018”.

Both Advocates are requested to find out the points of disputes between the parties in view of the marking of the above-mentioned admitted documents, whether the entire dispute can be resolved without recording further oral evidence by passing an Order under Order XV - A Rule 6 (1) (r) of the Civil Procedure Code as amended under Section 16 of the Commercial Courts Act.

(Dictated to the Stenographer, typed by her directly on the computer, verified by me and pronounced in the open court on **05th day of October 2021**).

**(M. DEVARAJA BHAT)
LXXXII Addl. City Civil & Sessions Judge,
Bengaluru.**

A separate detailed order is passed on Statement of Admissions and Denials.

To hear about Arguments under Order XV-A Rule 6 (1) (r) of the Civil Procedure Code as amended under Section 16 of the Commercial Courts Act by 21.10.2021.

(Typed to my dictation)

LXXXII ACC & SJ,B'LURU.