

**IN THE COURT OF SH. ANIL KUMAR SISODIA: DISTRICT
JUDGE (COMMERCIAL COURT-04), CENTRAL DISTRICT,
TIS HAZARI COURTS, NEW DELHI**

CS (COMM) 433/2025

M/s Lucky Brass Pvt. Ltd.

.....Plaintiff

Versus

Sh. Hemant

..... Defendant

ORDER

1. This order shall dispose of an application filed by the plaintiff u/O 11 Rule 1 (4) & 1 (5) CPC for taking additional documents on record.
2. The defendant has filed reply to the application and has vehemently opposed the filing of the documents at a belated stage.
3. I have heard counsels for the parties and have perused the record carefully.
4. By way of this application, plaintiff wants to place on record additional documents i.e. six e-way bills, board resolution dated

22.04.2024 and certificate of incorporation of the plaintiff company. It is stated in the application that these documents are essential and necessary for proper and just adjudication of the case and the same could not be filed along with the plaint due to inadvertence.

5. Hon'ble Supreme Court in the case of **Sudhir Kumar @ S. Baliyan Vs Vinay Kumar G.B, (2021) 13 SCC 71** has held that *Order 11 Rule 1 CPC as applicable to the Commercial Suit brought about a radical change and it mandates the plaintiff to file a list of all documents, photocopies of all documents, in its power, possession, control or custody, pertaining to the suit, along with the plaint and a procedure provided under Order 11 Rule 1 is required to be followed by the plaintiff and the defendant, when the suit is the commercial suit.*

It was further held that the additional documents can be permitted to be brought on record as provided in Order 11 Rule 1 (4) CPC which provides that in case of urgent filing, the plaintiff may seek leave to rely on additional documents as part of the above declaration on oath and subject to grant of such leave by the court, the plaintiff shall file such additional documents in the court, within 30 days of filing the suit, along with a declaration on oath that the plaintiff has produced all documents in its power, possession, control or custody, pertaining to the facts and circumstances of the proceedings initiated by the plaintiff and that the plaintiff does not have any other documents, in its power, possession, control or custody.

Order 11 Rule 1 (5) CPC further provides that the plaintiff shall not be allowed to rely on the documents, which were in plaintiff's power, possession, control or custody and not disclose along with plaint or within the extended period set out above, save and except by the leave of the court and such leave shall be granted only upon the plaintiff establishing reasonable cause for none disclosure along with the plaint.

6. Perusal of the aforesaid judgment would show that the bar of Order 11 Rule 1(5) CPC on filing the documents applies only to the documents which were in the power, possession, control or custody of the plaintiff but the same was not filed alongwith the plaint or reliance was not placed on them at the time of filing of the suit.

7. Perusal of the application would show that the plaintiff has now sought to file the documents which were already power, possession, control and custody of the plaintiff. The only reason given for non filing of these documents at this stage is that these documents could not be filed earlier due to inadvertence. It is well established that “inadvertence” of the party/counsel cannot be considered as a sufficient ground for allowing delayed filing of the documents as it would frustrate the very purpose of setting the timelines in commercial disputes.

8. Hence, in view of the judgment of Hon'ble Supreme Court in **Sudhir Kumar @ S. Baliyan Vs Vinay Kumar G.B (supra)**, I am not

inclined to allow the application of the plaintiff which has been filed at a highly belated stage i.e. after issues were framed.

Accordingly, the application filed by the plaintiff is dismissed and the same stands disposed of accordingly.

Announced in the open Court **(ANIL KUMAR SISODIA)**
Dated : 16th December, 2025 District Judge (Commercial Court-04)
Central District, Tis Hazari Courts, Delhi