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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 22/2018**

DR. NARENDER KUMAR SHARMA & ORS Plaintiffs

Through: **Mr. N. Prabhakar, Advocate**
(Ph.9643062076)

versus

**MAHARANA PRATAP EDUCATIONAL CENTER &
ANOTHER** Defendants

Through: **Mr. Nikhilesh Krishnan &
Ms. Harshita Singh, Advocates**
(Ph.8800913412;
e-mail: harshita@4pillars chamber.com)

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

ORDER

% **25.11.2022**

[Physical Hearing/ Hybrid Hearing]

I.A.19774/2022

1. This is an application filed on behalf of defendants under Order XI Rule 1(10) of CPC as amended by Commercial Courts Act, 2015 read with Section 151 CPC to file documents.
2. It is submitted that while filing the written statement, reference was made to four documents. The said documents were required to be filed at the time of filing of the written statement. However, inadvertently, the same were not filed by the previous counsel.
3. At the outset, learned counsel appearing for the plaintiff on advance notice raises strong objection to the present application on the



ground that the present application reflects negligence on the part of the defendant for not filing the requisite documents at the time of filing of written statement. He relies upon judgment dated 02.05.2022 passed by a coordinate bench of this court in CM(M) 405/2022 ***Bela Creation Pvt. Ltd. v. Anuj Textiles*** and judgment in the case of ***Sudhir Kumar @S. Baliyan v. Vinay Kumar G.B.*** 2021 SCC Online SC 734.

4. Issue notice. Notice is accepted by learned counsel for the plaintiffs. Learned counsel for the plaintiffs submits that he does not wish to file reply and that he shall argue the application straight away.

5. In view thereof list on 20.01.2023, the date already fixed.

MINI PUSHKARNA, J

NOVEMBER 25, 2022

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