



\$~22

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 63/2018**

AMBIKA INDUSTRIAL CORPORATION Plaintiff

Through: Mr. D.K. Yadav, Adv.

Versus

AMBIKA EXPORTS PRIVATE LIMITED Defendant

Through: Mr. Amit Jain & Mr. Arvind Kumar,
Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **31.07.2019**

IA No.10114/2019 (of the plaintiff under Order XII Rule 1(5) CPC)

1. The plaintiff, post framing of issues on 11th August, 2019 and post commencement of recording of evidence, seeks to file additional documents.
2. It is stated that the document was filed in the year 2014 but only at the stage of recording of evidence it was realized that the same had not come on record and on enquiry from the Registry, it was found that the same was not even objected to on any ground.
3. The written statement in the present suit is found to have been filed in the year 2009 and the plaintiff is not found to have filed any replication to the written statement; thus, the filing in the year 2014 also, though before the framing of issues, was beyond the prescribed stage.
4. The counsel for the defendant appears on advance notice and states that the plaintiff has not been diligent and has held up the recording of evidence on this ground.



5. Subject to the plaintiff paying costs of Rs.10,000/- to the counsel for the defendant, the document is permitted to be taken on record and the application is disposed of.

CS(COMM) No.63/2018

6. List before the Joint Registrar on 13th September, 2019 as already scheduled.

RAJIV SAHAI ENDLAW, J

JULY 31, 2019

‘gsr’..

CS(COMM) 63/2018

Page 2 of 2