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

+ **CS(COMM) 117/2018**

**DARSHAN SINGH** .....Plaintiff

Through: Mr. Arjun Gadhoke, Mr. Kuber Mahajan, Ms. N. Parvati and Mr. Vedam Anand Kumar, Advocates.

versus

**BALDEV SINGH** .....Defendant

Through: Mr. Aman Nandrajog, Advocate.

**CORAM:**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

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**19.02.2026**

**I.A. 4733/2026 (Directions)**

1. This is an application filed on behalf of the defendant under Section 151 of the Code of Civil Procedure, 1908, seeking directions as contained in the prayer clause which is extracted hereunder:

*“A. Allow the present Application and permit the Expert Witness, Dr. Y. Surya Prasad, to examine Document bearing Mark 'ZA', which is the November 2013 edition of Magazine titled as "Footwear Today" by comparing it to Document bearing Mark ZH, on 19.02.2026 before this Hon'ble Court;*

*B. Pass such other or further Order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”*

2. Mr. Aman Nandrajog learned counsel for the defendant submits that, a document bearing Mark ‘ZH’ was filed during the pendency of the suit with the permission of the Court. He submits that during the cross examination of the witness of the plaintiff, another document, which is marked as Mark ‘ZA’ stated to be published in the month of November, 2013 of the magazine titled as “Footwear Today”, was confronted to the witness.

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3. He submits that though, this Court had granted permission *vide* order dated 28.01.2026 for the expert witness Dr. Y. Surya Prasad to examine the questioned document bearing Mark 'ZH', however, due to inadvertence, the reference to document bearing Mark 'ZA' was overlooked in the earlier application. He submits that the said document Mark 'ZA' having been confronted to the plaintiff's witness will have to be examined and compared with document Mark 'ZH' so as to substantiate the grounds taken in the written statement.

4. On the other hand, learned counsel appearing for the plaintiff vehemently objects to the same. He submits that it was only *vide* order dated 08.05.2024, in an application bearing 10454/2024 filed on behalf of the plaintiff that the expert witness of the plaintiff was permitted to carry out the assessment on the authenticity of the document marked as mark 'ZH'. He submits that now, subsequently and belatedly, after the examination was conducted of the document mark 'ZH' by the witness of the plaintiff and who was also cross-examined by the defendant, no such reference to examination of document 'ZA' can be sought by the defendant.

5. He also further submits that this Court, *vide* order dated 26.11.2025, bearing in mind that the suit is old, directed the Joint Registrar (J) to conclude the trial as soon as possible. He submits that in order to delay the proceedings further, the defendant filed an application requesting that an expert witness on its behalf i.e. Dr. Y. Surya Prasad may be allowed to examine the document marked 'ZH'. That request was allowed by the Joint Registrar on 28.01.2026. He submits that the present request could and ought to have been made in the first application itself, which was not done. He states that this application is a deliberate attempt on behalf of the defendant to delay the proceedings in the suit further.

6. This Court has heard the arguments of the learned counsel for the



plaintiff as also the defendant.

7. It is not disputed that the document 'ZH' was already a part of the record prior to the order dated 08.05.2024, when this Court had permitted the examination of the said document by the expert of the plaintiff. It is also not disputed that the document Mark 'ZA' was brought on record by virtue of confrontation of the witness of the plaintiff by the defendant. The examination and comparison of the document Mark 'ZH' with the document Mark 'ZA' is sought by the defendant by way of the present application.

8. It appears that the said request is made only to further the defense that the document Mark 'ZH' was published in the year 2012. It appears that the defendant also wants to substantiate or corroborate the stand that in comparison to the document Mark 'ZA', the document Mark 'ZH', is of a prior period.

9. In view of the aforesaid, it appears to this Court that one opportunity can be permitted for the expert, Dr. Y. Surya Prasad, to examine and compare the document Mark 'ZH' with document Mark 'ZA'. However, the same shall be subject to costs of Rs.50,000/- payable by the defendant to the plaintiff for the delay in filing the present application, which ought to have ordinarily been done alongwith the previous application which was allowed *vide* order dated 28.01.2026.

10. Subject to the payment of Rs.50,000/- during the course of the day, the expert witness Mr. Y Surya Prasad will be permitted to examine the two documents that is Mark 'ZA' and Mark 'ZH' tomorrow i.e. 20.02.2026 at 02:00 pm in the presence of the counsel for the plaintiff.

11. The learned Joint Registrar (J) is directed to ensure that the examination is conducted smoothly.

12. The evidence of affidavit by Dr. Y. Surya Prasad shall be filed by Monday i.e. 23.02.2026 with an advance copy which shall be inevitably furnished to the learned counsel for the plaintiff on 21.02.2026.



13. Needless to state that the plaintiff is at liberty to raise all objections in respect of the said documents marked 'ZA' and 'ZH' as to their mode of proof and relevancy. They will also be entitled to raise all and any objections in respect of the affidavit of evidence that may be filed on behalf of the defendant of the witness Dr. Y. Surya Prasad.

14. Reserving such aforesaid liberty, the present application stands disposed of.

**I.A. 4761/2026 (Directions)**

15. This is an application filed on behalf of the defendant under Section 151 of the Code of Civil Procedure, 1908, seeking following directions as contained in the prayer clause (A) , which is extracted hereunder:

*“A. Allow the present Application and grant 3 weeks to the Defendant to serve and file the Evidence by way of Affidavit of Defendant' s Witness namely, Mr. Ajeet Singh Gulati.”*

16. For the reasons stated in the application the same is allowed. However, the affidavit of the defendant's witness namely Mr. Ajeet Singh Gulati shall be filed on or before 23.02.2026. An advance copy thereof shall be furnished to the learned counsel for the plaintiff.

17. The application stands disposed of.

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18. Learned Joint Registrar (J) is requested to expedite the recordal of evidence.

19. List before the Joint Registrar (J) on the date already fixed i.e. 27.02.2026.

**TUSHAR RAO GEDELA, J**

**FEBRUARY 19, 2026**

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