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

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+ CS(COMM) 596/2022, CAV 251/2022 & I.A. 13852/2022,
13854/2022, 14472/2022

KENT CABLES PRIVATE LIMITED & ORS. Plaintiffs

Through: Mr. Sandeep Sethi, Senior Advocate
with Ms. Swathi Sukumar, Mr. Manik Dogra,
Mr. Naveen Nagarjun, Mr. Pratyush Rao and
Mr. Ritik Raghuwanshi, Advocates.

versus

KENT RO SYSTEMS LIMITED & ORS. Defendants

Through: Mr. Rajiv Nayar and Mr. Akhil Sibal,
Senior Advocates with Mr. Ankur Sangal,
Mr. Ankit Arvind, Mr. Shashwat Rakshit and
Mr. Kiratraj Sadana, Advocates.

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+ CS(COMM) 613/2022 & I.A. 14312-15/2022, 14317/2022

KENT RO SYSTEMS LIMITED & ORS. Plaintiffs

Through: Mr. Rajiv Nayar and Mr. Akhil Sibal,
Senior Advocates with Mr. Ankur Sangal,
Mr. Ankit Arvind, Mr. Shashwat Rakshit and
Mr. Kiratraj Sadana, Advocates.

versus

KENT CABLES PRIVATE LIMITED & ORS. Defendants

Through: Mr. Sandeep Sethi, Senior Advocate
with Ms. Swathi Sukumar, Mr. Manik Dogra,
Mr. Naveen Nagarjun, Mr. Pratyush Rao and
Mr. Ritik Raghuwanshi, Advocates.



CORAM:
HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **13.09.2022**

I.A. 14976/2022 (under Order 11 Rule 1(5) of the Commercial Courts Act, 2015, by Plaintiffs) in CS(COMM) 596/2022

1. Present applications have been preferred on behalf of the Plaintiffs under Order XI Rule 1(5) CPC, 1908 as amended by Commercial Courts Act, 2015 (hereinafter referred to as the 'Act') seeking to place on record additional documents.
2. Issue notice.
3. Mr. Ankur Sangal, learned counsel accepts notice on behalf of the Defendants and submits that Defendants have no objection to the present application being allowed.
4. Order XI Rule 1(5) of the Act provides that the Plaintiff shall not be allowed to rely on documents, which were in the Plaintiff's power, possession, control and custody and not disclosed along with the plaint or within the extended period as set out in Order XI Rule 1(4) of the Act, save and except with leave of Court and such leave shall be granted only upon the Plaintiff establishing 'reasonable cause' for non-disclosure of documents along with the plaint.
5. Learned Senior Counsel appearing on behalf of the Plaintiffs submits that the present documents which the Plaintiffs seek to place on record were not filed at the time of filing of the present suit as the same were in custody of Mr. Mohan Vidhani, the erstwhile counsel for the Plaintiffs, who had sent the reply dated 16.09.2011 on behalf of the Plaintiffs. Mr. Mohan Vidhani was hospitalised from 22.08.2022 to 27.08.2022 for a surgery and was thus



unavailable while the documents were being collated for filing the present suit.

6. Having gone through the application, nature of documents and the stage of suit, this Court is of the opinion that the Plaintiffs have made out a reasonable cause for placing on record the additional documents.

7. Application is accordingly allowed and the documents are taken on record.

8. Application is disposed of.

I.A. 13851/2022 (under Order 39 Rules 1 and 2 CPC, by Plaintiffs) in CS(COMM) 596/2022

I.A. 14316/2022 (under Order 39 Rules 1 and 2 CPC, by Plaintiffs) in CS(COMM) 613/2022

9. List for further hearing on 14.09.2022.

JYOTI SINGH, J

SEPTEMBER 13, 2022/rk