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IN THE HIGH COURT OF DELHI AT NEW DELHI
CS(COMM) 521/2025
MAXWORTH ELECTRONIC SYSTEMS PVT LTD &
ANRPlaintiffs

Through: Ms. Ilasheel and Mr.
Ravilochan Daliparthi,
Advs.

versus

ROHIT KUMAR & ORS.Defendants

Through: Mr. Siddharth Pandey and
Mr. Daksh Jain, Advs. for
D-1 to D-3 .
Mr. Arvind Thapliyal, Adv.
Mr. Udaibir Singh Kocchar,
Ms. Samvartika Pathak and
Mr. Pushkar Khanna, Advs.
for D-4 to 8.

CORAM:

JOINT REGISTRAR (JUDICIAL) SH. GAGANDEEP
JINDAL (DHJS)

O R D E R

04.02.2026

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Proceedings are being conducted through hybrid mode.

I.A.No.20398/2025 (by defendant no.1 u/S 8 of
Arbitration and Conciliation Act)

1. Pleadings are complete.

I.A.No.13502/2025 (u/O XI Rule 14 CPC seeking
production of documents)

2. It is submitted that the matter is coming up before the
Hon'ble Court on 16.02.2026.

3. Ld. Counsel for the defendant submits that application
u/S 8 of Arbitration and Conciliation Act is pending for
consideration before the Hon'ble Court.

CS(COMM) 521/2025

4. As per report of registry, the written statement alongwith



affidavit for admission and denial of documents filed on behalf of defendant nos.1 to 8 was firstly filed on 30.06.2025 and it was re-filed on 18.07.2025 after removing the objections.

5. Replication has been filed on 11.08.2025 for the first time which was taken on record on 01.09.2025 after removing the objections. Thus there is no delay in filing the replication on behalf of plaintiff qua defendant no. 1 to 8.
6. Ld. Counsel for the defendants submits that there is defect in verification of replication and supporting affidavit because both have been attested on different dates.
7. Ld. Counsel for the plaintiff submits that registry has not raised any such objection and the same can be cured. Plaintiff may take appropriate steps for curing the defects.
8. Learned counsel for the defendant further submits that plaintiff has filed certain documents alongwith the replication which is not allowed in commercial suit.
9. Learned counsel for plaintiff submits that additional documents can be filed alongwith the replication even in commercial suit and rely upon the judgment in the case of **“CONDOR FOOTWEAR India Pvt. Ltd. Vs NEXGEN FOOTWEAR Pvt. Ltd. and Ors. CS(COMM) 605/2024”** decided on 22.08.2025. Wherein the Hon'ble Court of Delhi observed that rule 5 of Delhi High Court (OS) Rules permits the documents to be filed alongwith replication.
10. In view of the these observations made by Hon'ble high



Court of Delhi, I find merits in the contentions raised by Learned counsel for the defendant s and the plaintiff is within its rights to file the documents alongwith the replication .

11. The defendants have failed to file the affidavit for admission/denial of additional documents filed alongwith the replication despite specific directions on 17.11.2025. One last opportunity is granted to defendants to file such affidavit within one week without fail.
12. Let Joint Document Schedule including hard copy of the same be filed at least two weeks before the next date.
13. Both the parties shall file hard copies of their documents at least two weeks before the next date.
14. Re-notify the matter for further proceedings on **20th April, 2026.**

GAGANDEEP JINDAL (DHJS)
JOINT REGISTRAR (JUDICIAL)
FEBRUARY 04, 2026/PU
[Click here to check corrigendum, if any](#)