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

+ CS(COMM) 573/2021 & CRL.M.A. 23692/2024, I.A. 13911/2023,
I.A. 22535/2023, I.A. 7946/2024, I.A. 11137/2024, I.A. 37846/2024,
I.A. 37847/2024, I.A. 37848/2024

RXPRISM HEALTH SYSTEMS PRIVATE LIMITED & ANR.

.....Plaintiffs

Through: Mr. Tanmaya Mehta, Mr. Sanyam
Khetarpal, Mr. Nitesh Goyal, Ms.
Prakriti Anand, Mr. Nitai Agarwal,
Ms. Lisa Sankrit, Advocates
(M:9873674225)

versus

CANVA PTY LTD & ORS.

.....Defendants

Through: Mr. Saikrishna Rajagopal, Ms. Sneha
Jain, Mr. Vibhor Vaibhav Tandon,
Ms. Shruti Jain, Mr. Ayush Saxena,
Advocates (M:8800641101)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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30.08.2024

I.A. 37846/2024 (under Section 151 of CPC seeking leave to file documents in a pen-drive)

1. The present application has been filed by the defendants under Section 151 of CPC seeking leave to file documents in a pen-drive.
2. Issue notice. Notice is accepted by learned counsel for the plaintiffs. He submits that he has no objections to the same.



3. Rule 24 of Chapter-XI of the Delhi High Court (Original Side) Rules, 2018, makes it clear that electronic records can be received in CD/DVD/Medium, encrypted with a hash value. The said Rule is extracted as below:

*“24. **Reception of electronic evidence** - A party seeking to tender any electronic record shall do so in a CD/ DVD/ Medium, encrypted with a hash value, the details of which shall be disclosed in a separate memorandum, signed by the party in the form of an affidavit. This will be tendered along with the encrypted CD/ DVD/ Medium in the Registry. The electronic record in the encrypted CD/ DVD/ Medium will be uploaded on the server of the Court by the Computer Section and kept in an electronic folder which shall be labeled with the cause title, case number and the date of document uploaded on the server. Thereafter, the encrypted CD/ DVD/ Medium will be returned to the party on the condition that it shall be produced at the time of admission/denial of the documents and as and when directed by the Court/ Registrar. The memorandum disclosing the hash value shall be separately kept by the Registry on the file. The compliance with this rule will not be construed as dispensing with the compliance with any other law for the time being in force including Section 65B of the Indian Evidence Act, 1872.”*

4. Accordingly, Registry may receive electronic record in a pen drive, so long as it is encrypted with a hash value or in any other non-editable format. The pen drive containing the documents, be placed in the electronic record of the present suit.

5. Accordingly, the present application is allowed and the defendants are allowed to place the documents in a pen-drive.

6. With the aforesaid directions, the present application is disposed of.

I.A. 37847/2024 (under Section 151 of CPC seeking condonation of delay in filing affidavit pursuant to order dated 09th August, 2024)

7. The present application has been filed under Section 151 of CPC seeking condonation of delay in filing affidavit, pursuant to the order dated 09th August, 2024.



8. Issue notice. Notice is accepted by learned counsel for the plaintiffs, who submits that the plaintiffs have no objection to the present application.

9. Accordingly, the delay of two days in filing the affidavit pursuant to order dated 09th August, 2024, is condoned. Affidavit is taken on record.

10. With the aforesaid directions, the present application is disposed of.

I.A. 37848/2024 (under Section 151 CPC seeking exemption from filing apostilled affidavits)

11. The present application has been filed on behalf of the defendants under Section 151 CPC seeking exemption from filing apostilled affidavits.

12. It is submitted that the Authorized Representative of the defendants, Mr. Josh Furman is based out of the State of California, United States of America. Due to the procedure followed in United States of America, the affidavits could not be notarized and apostilled, at present. Thus, it is prayed that exemption be granted from filing the notarized and apostilled affidavits.

13. Considering the submissions made before this Court, the defendants are exempted from filing the apostilled and notarized affidavits, at this stage.

14. The apostilled version thereof, be filed subsequently.

15. With the aforesaid directions, the present application is disposed of.

I.A. 7946/2024 (under Section 151 of CPC for directions)

16. Learned counsel for the plaintiffs submits that the defendants have recently filed reply to the present application. He, thus, submits that liberty may be granted to file rejoinder thereto. Liberty is granted.

17. Let rejoinder be filed by the plaintiffs before the next date of hearing.

18. List on 24th October, 2024.

CS(COMM) 573/2021

19. It is pointed out that joint schedule was filed by the parties on 06th



May, 2022. However, the issues in the present matter are yet to be framed.

20. Accordingly, list for framing of issues on 24th October, 2024.

21. Let *I.A. 11137/2024 & CRL.M.A. 23692/2024* also be listed, on the next date of hearing.

MINI PUSHKARNA, J

AUGUST 30, 2024

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