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

+ **CS(COMM) 580/2021**

LARSEN AND TOUBRO LIMITED

..... Plaintiff

Through: Mr Manu Sashadri with Mr Aveak
Ganguly, Mr Abhijit Lal & Ms Pallavi
Anand, Advs (8250132612)

versus

NBCC INDIA LIMITED AND ANR

..... Defendants

Through: Mr. Krishan Kumar, Mr Dheeraj Kumar
& Ms Muskan Jain, Advs for D1
(krishankumarand associates@gmail.com)
Dr Subhash C. Gupta, Adv for D2
(98106893210) (msubhashg@gmail.com)

CORAM:

MS. VANDANA JAIN (DHJS) JOINT REGISTRAR(JUDICIAL)

ORDER

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28.03.2023

IA No. 12857/2022 (U/O XI Rule 2(11) CPC filed by plaintiff seeking answer to interrogatories)

Vide this order, I shall dispose off an application filed by plaintiff for seeking answer to interrogatories.

Learned counsel for plaintiff has argued that vide order dated 21.05.2022 passed in IA bearing Nos. 3639/2022 and 3622/2022 in the present suit, defendant Nos. 1 & 2 were directed to answer the interrogatories filed by plaintiff within four weeks from the date of the order. The time to file the same had expired on 18.06.2022. Neither D1 nor D2 had chosen to comply with the direction and no



answer to the interrogatories has been filed. By this IA, learned counsel for plaintiff has requested for directing examination of D1 & 2 in terms of order dated 21.05.2022 to answer the interrogatories within a period of one week by way of an affidavit or by *viva voce* examination.

From the perusal of the record it is revealed that this IA was filed on 22.07.2022 and after filing of this IA, reply to the captioned IA alongwith answer to interrogatories was filed on 24-25.08.2022 by D1 and reply to the said IA was filed by D-2 on 30.08.2022.

Since the direction sought in the application has been complied with by filing aforesaid replies, no directions are required to be passed at this stage in this application.

IA stands disposed off accordingly.

IA No. 17707/2022(U/O XI Rule 5 CPC filed by plaintiff for production of documents by D-1)

Vide this order, I shall dispose off an application filed by plaintiff for production of documents by D1.

Learned counsel for plaintiff has argued that by filing the written statement, D1 has also filed certain documents. However, the said documents are incomplete. Learned counsel for plaintiff has further argued that he has filed the statement of admission/denial to those documents while reserving its right to amend its statement of admission and denial after production of complete documents by Defendant No.1.



Learned counsel for plaintiff has specifically pointed out that in the document Nos.4, 9, 27 and 14 and document No.23, the annexures/enclosures are missing. In the document No.23, it is stated that letter dated 30.07.2018 referred therein is missing. Learned counsel for plaintiff has argued that the documents are being relied upon by the Defendant No.1 in the defence of its case, and therefore, it is important that these documents are produced by D1 in complete respects to ascertain their validity, reliability, correctness and contents.

Learned counsel for plaintiff has further argued that while these documents pertain to inter-se dispute between Defendant No.1 and 2 and are not relevant to determine the plaintiff's entitlement under the subject Contracts, the same are still required for inspection as they form the basis of Defendant No. 1's stand in this suit.

Notice of this IA was issued by Hon'ble Court upon defendants on 01.11.2022 and the time was given to file the reply to both the counsels for defendants as they were present in the Court and accepted notice of the IA. Four weeks time was granted, but no reply had come on record till date.

Learned counsel for D2 submits that he has no concern with the present IA and does not wish to file reply to the IA as these documents have been sought from D1 and not from D2.

Learned Senior counsel for D1 submits that in the IA filed by plaintiff, it is mentioned that these documents which are sought by plaintiff are not relevant to determine the plaintiff's entitlement under the subject Contracts and therefore, there is no requirement for filing



of these documents.

I have heard the submissions made by learned counsel for parties and have perused the record carefully.

No reply has been filed by D1, despite opportunities having already been granted. As far as the submissions of learned counsel for plaintiff are concerned, I have perused the documents filed by D1 and specifically the document Nos. 4, 9, 27, 14 & 23 as mentioned in the IA so as to ascertain the genuineness of the submissions made by learned counsel for plaintiff.

Undoubtedly the documents, if filed, have to be complete in all respects for giving a complete picture of the defence of the defendant to the other side. There is only document one objection which has been raised by learned Senior Counsel for D1 regarding own averment made by learned counsel for plaintiff in para No.8 of the IA wherein it is stated that these documents pertain to inter se dispute between the defendant No.1 & 2 and are not relevant to determine the plaintiff's entitlement under the subject contract in this regard, it is noticed that the said lines as mentioned in para No.8 are qualified further by plaintiff by mentioning these documents are still required as they form the basis of the Defendant No. 1's stand in the captioned suit. Hence, defendant No.1 is duty bound to produce these documents.

From the application, it is further transpired that a document No.1 has been annexed alongwith application wherein these document No's having incomplete annexures are mentioned at S. No. 1 to 4. Apart from these documents, plaintiff has also sought production of



certain other documents mentioned at S. No. 5 to 7 which are already the subject matter of other IA bearing No. 3639/2022 which had already been disposed off on 21.05.2022. So no separate order is required to be passed for S. No. 5 to 7 in this IA.

For S. No. 1 to 4 mentioned in document No.1 annexed alongwith the captioned IA, the relevant annexures and enclosures be filed within six weeks from today with advance copy to opposite side.

IA stands disposed off accordingly.

IA No. 3159/2022(U/S 16 of the Court Fees Act, for refund of Court fees)

Put up for arguments on IA No. 3159/2022 on 13.07.2023.

**VANDANA JAIN (DHJS)
JOINT REGISTRAR (JUDICIAL)**

**MARCH 28, 2023
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