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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 502/2019**

MALABAR GOLD PRIVATE LIMITED Plaintiff

Through: Mr. Akhil Sibal, Senior Advocate
with Mr. Bishwajit Dubey, Ms.
Surabhi Khattar, Ms. Asavari, Ms.
Nayani Aggarwal and Mr. Prafful
Goyal, Advocates.

versus

MANUVEL MEZHUKANAL Defendant

Through: Mr. J. Sai Deepak, Advocate.

CORAM:
HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER
19.04.2023

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I.A. No. 7355/2023 (under Section 151 of CPC seeking to take video-recordings on record as detailed in paragraph No. 2 of the application)

1. Mr. Akhil Sibal, Senior Counsel for Plaintiff seeks the leave of the Court to place on record a video recording in a pen drive of the events detailed in paragraph No 2 of the above application. 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 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.”

[Emphasis supplied]

2. Thus, the Registry may receive electronic record on CD-ROM so long as it is encrypted with a hash value or in any other non-editable format. Accordingly, let the video recording contained in CD-ROM be placed in the electronic record of the present suit in a format which is non-editable, so that the same can be viewed by the Court during hearing.

3. The application stand is disposed of, subject to just exceptions.

I.A. No. 6170/2023 (under Order VI Rule 17 r/w Section 151 of the Code of Civil Procedure, 1908 ["CPC"] for amendment to injunction application viz. I.A. 12667/2019) and

I.A. No. 6171/2023 (under Order VI Rule 17 r/w Section 151 of CPC for amendment of the plaint)

4. Issue notice. Mr. J. Sai Deepak, counsel for Defendant, accepts notice. Reply be filed within a period of four weeks from today. Rejoinder thereto, if any, be filed within a period of two weeks thereafter.

5. Re-notify on the date already fixed i.e., 18th May, 2023.

SANJEEV NARULA, J

APRIL 19, 2023/as