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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 5/2022**

PERNOD RICARD INDIA PVT.LTD.Plaintiff

Through: Ms. Ruchika Agarwala,
Mr. Krishan Tewary and
Mr. Hrithik Sharma, Advs.
along with the
Handwriting Experts Mr.
Manas Mishra and Dr.
V.C.Mishra

versus

RAJ KUMAR & ANR.Defendants

Through: None for D-1 (Right of
D-1 was closed vide order
dated 14.10.2022)
Mr. Deepak Jain (through
VC) and Ms.Anoushka
Singh, Ms. Dashampreet
Kaur, Mr. Sajal Gupta and
Mr. Arsh Raina, Advs. for
D-2

CORAM:
JOINT REGISTRAR (JUDICIAL) MS. SHUCHI
LALER (DHJS)

ORDER
23.12.2024

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IA No. 48490/2024 u/s 151 CPC for condonation of
delay of 24 days in filing affidavit of evidence by
plaintiff

1. Heard. Issue notice. Learned counsel for defendant no.2 accepts notice and submits that he has no objection, if the captioned IA is allowed subject to heavy cost. In view of submission made, the captioned IA is allowed. The delay in filing the affidavit of evidence is condoned, subject to cost of Rs. 3,000/- to be paid to the defendant no.2 within a week.



IA No. 47012/2014 u/O XI R.14 CPC for production of original documents by plaintiff

2. Vide order dated 09.12.2024, the Hon'ble Court allowed the captioned IA with the direction to the parties to carry out the inspection on 23.12.2024 at 2.30 pm.

2. Defendant no.2 has brought the original of two documents out of the seven documents mentioned in para no.6 of the captioned IA, which are as under:-

(i) Original affidavit dated 10.03.2023 of defendant no.2 contained in the written statement of defendant no.2.

(ii) Original affidavit dated 18.04.2024 of defendant no.2 contained in appeal filed on behalf of defendant no.2 bearing no.FAO (OS) (COMM) 92/2024.

3. The aforesaid documents have been inspected by learned counsel for plaintiff as well as by the Handwriting Experts. Photographs of these two documents are taken by the Handwriting Experts, which has not been objected to by learned counsel for defendant no.2.

4. The original affidavit dated 10.03.2023 and original affidavit dated 18.04.2024 have been signed by learned counsel for plaintiff and by learned counsel for defendant no.2. They are marked as Ex. DX1 and Ex. DX2. The original affidavits dated 10.03.2023 and 18.04.2024 be kept on record.

5. Learned counsel for defendant no.2 submits that the originals of remaining documents have not been filed as the same affidavit was used multiple times by mistake and was only served to the plaintiff, however, it was not filed in the court record. He further submits that defendant no.2 is willing to produce 12 other signed/notarised documents



of defendant no.2 of various dates for the purpose of inspection and verification by the Handwriting Experts.

6. Learned counsel for plaintiff submits that she would not like to take these 12 other documents as these documents were not executed in the presence of the plaintiff nor are within the knowledge of the plaintiff.

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7. Affidavit of PW1 has already been filed. Hard copy of his affidavit be filed on record.

8. Re-notify the matter for further proceedings on date already fixed i.e. 10.01.2025.

**SHUCHI LALER (DHJS),
JOINT REGISTRAR (JUDICIAL)
DECEMBER 23, 2024/cd**

Click here to check corrigendum, if any