



\$~21

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

+ **CS(COMM) 784/2025, I.A. 18564/2025**

NAYAN INDIA SCIENCE AND TECHNOLOGIES PVT. LTD.

.....Plaintiff

Through: Ms. Swathi Sukumar, Senior Advocate
with Ms. Anju Agrawal, Mr. Nishant
Rai, Mr. Manish Aryan, Ms. Manisha
Singh, Mr. Abhai Pandey, Mr. Akhya
Anand and Ms. Rishika Agarwal,
Advocates.

versus

COVERT EYE TECHNOLOGIES PRIVATE LIMITED & ANR.

.....Defendants

Through: Mr. Samudra Sarangi, Ms. Shruti Raina,
Mr. Lakshay Kumar and Ms. Yoshita
Sood, Advocates for D-1.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **04.02.2026**

I.A. 1639/2026 (Application seeking leave to file videos on a storage device)

1. This is an application under Order XI Rule 1(1)(c)(ii) of the Commercial Courts Act, 2015 read with Section 151 of the Code of Civil Procedure, 1908 filed on behalf of plaintiff seeking leave to file videos on a storage device.
2. Heard learned counsel for the parties. Without commenting on the authenticity of the averments made in the application the plaintiff is permitted to place on record the pen drive containing the videos referred to in para 3 of the present application, subject to the defendants' right to object to the mode, proof and relevancy of the said video clips which are kept reserved.
3. It is informed that the necessary affidavit under Section 62 and 63 of



Bharatiya Sakshya Adhiniyam, 2023 (hereinafter referred to as “BSA, 2023”) has also been filed in support.

4. So far as the certificate under Section 62 and 63 of the BSA, 2023 is concerned, rights of the defendants to object to the said affidavit shall also remain reserved to be taken at the appropriate stage.

5. Though Ms. Shruti Raina, learned counsel for the defendant no.1 objected to the timing of filing these documents, particularly, the stage of the suit, this Court is of the opinion that the interests of defendant no.1 has been taken care of by reserving their right to object to the same in paragraph nos.3 and 4 above.

6. So far as the remaining documents are concerned, the objection of the learned counsel for the defendants is that these documents which now are being sought to be placed on record were always in the power, possession, custody and control of the plaintiff even at time of filing of the plaint, as such, belated filing of these documents cannot be condoned in any manner whatsoever.

7. This Court has considered this objection too.

8. This Court inclined to agree with the submission made by Ms. Sukumar, learned senior counsel for the plaintiff that these documents were, no doubt, in the power, possession, custody and control of the plaintiff, however, were now being filed alongwith the replication in answer/opposition to the contentions and statements raised in the written statement.

9. As such, the documents can be taken on record alongwith the replication subject to the condition that the same would be open to objection as to mode of proof and relevancy at an appropriate stage.

10. Of course, the defendants would always have a right to file documents in opposition. The defendant may file the list of documents within two weeks from date.

11. Application stands disposed of.



CS(COMM) 784/2025

12. List for hearing of I.A. 18564/2025 on 03.03.2026.

TUSHAR RAO GEDELA, J

FEBRUARY 4, 2026

Sumit