



2026:DHC:2059

\$~15

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

+ **CS(COMM) 628/2023 & I.A. 10717/2024, I.A. 760/2025**

ITW GSE APS & ANR.

.....Plaintiffs

Through: Mr. Pravin Anand, Ms. Vaishali Mittal, Mr. Siddhant Chamola, Mr. Gursimran Singh Narula, Ms. Saijal Arora, Advocates (M:9872000836)

versus

DABICO AIRPORT SOLUTIONS PVT LTD & ORS.Defendants

Through: Ms. Deepshikha Sarkar, Ms. Bhanu, Advocates for D-1 to 3 (M:9250338066)
Mr. Rohan Swarup, Mr. Parthesawar Singh, Advocates for D-4 (M:9911442323)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

%

14.01.2025

I.A. 10717/2024

1. The present application has been filed under Order XI Rule 1(5) read with Section 151 of Code of Civil Procedure, 1908 ("CPC") as amended by the Commercial Courts Act, 2015, seeking leave to place on record additional documents.
2. Learned counsel for the plaintiffs draws the attention of this Court to the various documents which are sought to be filed as additional documents. He submits that the said documents were not there at the time of filing of the suit.
3. Per contra, learned counsel for the defendants submits that in the



2026:DHC:2059

replication filed by the plaintiffs, the import of the documents 1 and 2, as sought to be filed by the plaintiffs as additional documents, have already been discussed.

4. Having heard learned counsels for the parties, considering the submissions made before this Court, it is evident that documents sought to be placed on record by the plaintiffs by way of present application, are all documents, which were not there at the time of filing of the suit.

5. Accordingly, the present application is allowed and the documents sought to be filed as additional documents, along with present application, are directed to be taken on record.

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

I.A. 760/2025

7. The present application has been filed on behalf of the plaintiffs under Order XI Rule 1(5) and Section 151 of CPC, read with Chapter VII Rule 5 of the Delhi High Court (Original Side) Rules, 2018.

8. Learned counsel for the plaintiffs submits that the additional documents, which are sought to be filed by way of present application, are already on record before this Court, having been filed by the plaintiffs earlier along with their reply to applications.

9. Thus, he submits that the present application has been filed only with a view to have the said documents placed on record. He further submits that these additional documents were not in possession of the plaintiffs at the time of filing of the plaint and filing of the same have been necessitated in view of the contempt committed by the defendants.

10. He submits that Documents 1 to 3 are the photographs, which have been taken subsequent to the filing of the suit, while rest of the documents



2026:DHC:2059

are extracts from the websites of the defendants, which the defendants ought to have filed along with their written statement.

11. Issue notice. Notice is accepted by learned counsel for defendants.

12. Learned counsel for defendants submits that documents sought to be filed by the plaintiffs, were already in existence at the time of filing of the plaint. They further submit that the plaintiffs had the opportunity of filing these documents along with their replications, which was filed in February, 2024.

13. Let reply be filed by the defendants within a period of four weeks. Rejoinder thereto, if any, be filed within a period of one week, thereafter.

14. Re-notify on the date already fixed, i.e., 27th February, 2025.

CS(COMM) 628/2023

15. Since *I.A. 10717/2024* has been allowed today, defendants are directed to file their affidavit of admission/denial of documents.

16. List before the Joint Registrar (Judicial) for admission/denial of the documents and marking of exhibits on 30th January, 2025.

MINI PUSHKARNA, J

JANUARY 14, 2025

au