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

+ **CS(OS) 871/2008, CC 18/2009, I.A. 16067/2010**

LIVING MEDIA INDIA LTD.

..... Plaintiff

Through: Mr. Hrishikesh Baruah, Mr. Anurag Mishra, Mr. Kumar Kshitij and Ms. Radhika Gupta, Advocates.

versus

THE INSTITUTE OF CHARTERED ACCOUNTANTS OF INDIA

..... Defendant

Through: Ms. Pooja M. Saigal and Mr. Nipun Gupta, Advocates.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

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01.03.2024

I.A. 22539/2023 (under Order VII Rule 14 read with Section 151 CPC filed by the plaintiff seeking permission to place additional documents on record)

1. The application under Order VII Rule 14 read with Section 151 CPC, has been filed on behalf of the plaintiff for placing on record the additional documents.
2. It is submitted that the suit for recovery of Rs.2,86,74,788/- has been filed by the plaintiff towards arrears and compensation/damages. It is submitted that a list of witnesses was filed on 11.10.2010, after the admission/denial was carried out and the issues were framed. Inadvertently, no permission was sought to place the documents on record in the year 2010 or thereafter. It is submitted that the plaintiff now has filed his application to



seek formal permission to bring all those documents on record. In addition four other documents out of which two documents which are exhibited as Ex-PW4/44 and Ex.PW-4/45, are the Court Orders. The other two documents Ex-PW-4/14 and Ex.PW-4/21 are the cover pages of the journal published by the plaintiff in the year 1997 and 2005 respectively. It is submitted that authenticity of these documents, is not being questioned by the defendant and the delay in seeking permission to file the documents on record, may be compensated, as they are sought to be proved in the testimony of PW-4, who has tendered his evidence by way of affidavit and whose cross-examination is yet to be commenced.

3. Learned counsel on behalf of the defendant has not denied that the List of Documents was filed on 11.10.2010, though no formal permission was taken at any point of time, on behalf of the plaintiff. The authenticity of the two Court Orders, which are exhibited as Ex-PW-4/44 and PW-4/45, are not objected to from being placed on record. In respect of the two Cover pages of the journal which are exhibited as Ex.PW-4/14 and Ex.PW-4/21, it is contended that there is an ordinate delay and three witnesses of the plaintiff, have already been recorded. Another list of documents had been filed in the year 2014 and even at that time, no steps were taken on behalf of the plaintiff, to move an appropriate application for getting the documents filed in the year 2010, on record.

4. **Submissions heard.**

5. It is not under challenge that in the list of documents along with the documents, except four documents, have been filed in way back in the year 2010. The evidence has commenced thereafter and it cannot be said that any prejudice is caused to the defendant merely because of formal order for



bringing the documents on record, had not been sought by the plaintiff. The two Court Orders are *per se* public document and therefore, there is no objection in placing them on record. In respect of the other two documents, which are covered pages of the journals, it is observed that the Journals had been published by the plaintiff for the defendant. Considering the nature of the documents, the application under Order 7 Rule 14 CPC is hereby allowed, subject to cost of Rs.20,000/- to be paid to the defendant.

6. The application is disposed of.

I.A. 4844/2019 (under Section 151 CPC filed by the plaintiff for filing additional affidavit of PW-4 read with Order XVIII Rule 17 CPC for recalling witness PW-4 Mr. Dinesh Gupta)

7. The application under Section 151 of the Code of Civil Procedure, 1908, has been filed on behalf of the plaintiff seeking permission to file the additional affidavit of PW-4 Mr. Dinesh Gupta, along with the supporting documents. Since the documents have now been permitted to be taken on record, the permission is granted to file the additional affidavit.

8. Additional affidavit be filed within 15 days with copy to the opposite counsel.

9. Be listed before the learned Joint Registrar for the evidence of the plaintiff on 01.05.2024.

I.A. 17507/2023 (under Order XXVI Rules 9 & 10 B read with Section 151 CPC for appropriate directions directing the appointment of a Local Commissioner and thereafter directing him to inventorized the material published and printed by the plaintiff and thereafter pass appropriate directions for its disposal)

10. The application under Order XXVI Rules 9 & 10B read with Section 151 CPC, has been filed on behalf of the plaintiff to appoint the Local



Commissioner to inventorize the stocks that are lying at his place Thomson Press (India) Ltd.

11. After some submissions, learned counsel for the plaintiff seeks permission to withdraw this application with liberty to file another appropriate application.

12. Learned counsel for the plaintiff is permitted to withdraw this application with liberty as prayed for.

13. Be listed before the learned Joint Registrar on 01.05.2024.

NEENA BANSAL KRISHNA, J

MARCH 1, 2024/RS