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

+ CS(COMM) 1159/2024 & I.A. Nos. 48965/2024, 48966/2024,
48967/2024 & 48968/2024

IVYCAP VENTURES ADVISORS PVT. LTD.Plaintiff

Through: Mr. Pravin Anand with Ms. Tusha
Malhotra and Ms. Sugandha Yadav,
Advocates.

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versus

IVY GROWTH ASSOCIATES PRIVATE LIMITEDDefendant

Through: Mr. J. Sai Deepak, Senior Advocate
with Mr. Mudit Makhijani, Mr. Luv
Virmani and Mr. Eeshan Pandey,
Advocates.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **20.12.2024**

I.A. 48967/2024 (Exemption from filing original and clearer copies of documents)

1. The present is an application under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), on behalf of the plaintiff, seeking exemption from filing originals, cleared copies, translated copies and left side margins.
2. Exemption is granted, subject to all just exceptions.
3. Plaintiff shall file original, clearer, and translated copies of the



documents, on which the plaintiff may seek to place reliance, before the next date of hearing.

4. Accordingly, the present application is disposed of.

I.A. 48966/2024 (Application seeking leave to file additional documents)

5. This is an application under Order XI Rule 1(4), read with Section 151 CPC, as amended by the Commercial Courts Act, 2015, seeking leave to file additional documents.

6. The plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

7. The application is disposed of, with the aforesaid directions.

I.A. No. 48968/2024 (Application seeking leave to file video recordings in a Compact Disc)

8. The present is an application under Section 151 CPC seeking leave to file certain video recordings in a Compact Disc.

9. In terms of Rule 24 of Chapter-XI of the Delhi High Court (Original Side) Rules, 2018, it is made clear that electronic records can be received in CD/DVD/Medium, encrypted with a hash value. The said Rule is extracted as 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.”

10. Accordingly, Registry may receive electronic record in a CD/DVD, so long as it is encrypted with a hash value or in any other non-editable format. The CD/DVD, containing the video recordings, be placed in the electronic record, of the present suit.

11. Accordingly, the present application is allowed and the plaintiff is allowed to place the video recordings in a CD/DVD.

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

CS(COMM) 1159/2024 & I.A. 48965/2024 (Application under Order XXXIX Rules 1 and 2 CPC)

13. Let the plaint be registered as suit.

14. Issue summons.

15. Summons is accepted by learned counsel appearing for the defendant.

16. Let the written statement be filed by the defendant within thirty days from the date of receipt of summons. Along with the written statement, the defendant shall also file affidavit of admission/denial of the plaintiff's documents, without which, the written statement shall not be taken on record.

17. Liberty is given to the plaintiff to file replication within thirty days from the date of receipt of the written statement. Further, along with the replication, if any, filed by the plaintiff, an affidavit of admission/denial of documents of the defendants, be filed by the plaintiff, without which, the replication shall not be taken on record. If any of the parties wish to seek



inspection of the documents, the same shall be sought and given within the timelines.

18. Issue notice in *I.A. 48965/2024*.

19. Notice is accepted by learned counsel appearing for the defendant.

20. Let reply be filed within a period of two weeks. Rejoinder thereto, if any, be filed within a period of two weeks, thereafter.

21. List before the Joint Registrar (Judicial) for marking of exhibits, on 04th February, 2025.

22. List before the Court for hearing of *I.A. 48965/2024* on 06th February, 2025.

MINI PUSHKARNA, J

DECEMBER 20, 2024

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