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

+ **CS(COMM) 37/2017**

MS ANITA SAINI Plaintiff

Through **Mr.Shakeel Sarwar, Adv.**

versus

SWIFT ROAD LINK PRIVATE LIMITED & ORS..... Defendant

Through **Mr.Anil Goel and Mr.Aditya Goel,**
Advs. for D-1,4, 5 & 6

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

% 19.07.2019

IA No.4024/2019

This application is filed under section 151 CPC by defendants No.1,4 5 and 6 for grant of leave to take on record the documents filed by them on 28.07.2018. It is stated in the application that the said documents relate to the accounts of the applicants and are required for the just and effective disposal of the suit.

Learned counsel for the plaintiff states that these documents were within the power and possession of the defendants at the time when they filed the written statement and yet they have chosen to delay filing of the documents for no plausible explanation.

The accompanying suit is filed by the plaintiff seeking relief of recovery of Rs.7,36,62.357/-. Apart from the above relief of rendition of accounts of defendant No.1 a decree of declaration is sought for declaring the different partnership deeds as void *ab initio*. Other reliefs are also sought. Essentially the dispute centres around the partnership firm of



defendant No.2. The parties are related to each other. The plaintiffs being the LRs of late Shri Sunder Singh Saini while defendant No.3 is Shri Shyam Singh Saini. Late Shri Sunder Singh Saini was the brother of defendant No.3.

A perusal of the documents shows that these essentially are invoices and statement of account and would be relevant for adjudication of the suit.

The application is allowed subject to costs of Rs.10,000/-. This order is passed without prejudice to the rights and contentions of the parties.

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List on 17.09.2019 before Joint Registrar for completion of admission/denial of the additional documents.

JAYANT NATH, J

JULY 19, 2019

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