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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 806/2016 & I.A. 32928/2024**
M/S ARRENA OVERSEAS PRIVATE LIMITED

.....Plaintiff

Through: Mr.Rajat Aneja, Ms.Chandrika
Gupta, Ms.Alka Dwivedi,
Mr.Anant Chaitanya and
Ms.Garima Saxena, Advs.

versus

M/S BATRA ART PRESSDefendant

Through: Mr.S.K. Sharma, Mr.Tejas
Singh and Mr.Saurabh Dagar,
Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER
05.09.2024

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1. This suit has been listed before this Court pursuant to a Communication dated 02.09.2024, addressed by the learned Local Commissioner appointed by this Court *vide* its Order dated 13.10.2023 to record the evidence of the parties.

2. The learned counsels for the parties state that during the process of recording the evidence of the parties, the plaintiffs had summoned official witnesses from the Court and other public authorities to prove on record the documents, which have been filed or which have been referred to in the pleadings. The same was objected to by the learned counsel appearing for the defendant who submitted that the documents which are not on record of the Suit cannot now be brought on record



in this manner.

3. Upon hearing the learned counsels for the parties, it is agreed that the documents which are already forming part of the record of the suit or have been referred to in the pleadings can be exhibited through the official witnesses, who are summoned by the plaintiffs. However, the documents which are not already on record, or which have not been referred to in the pleadings of the parties, cannot be exhibited in this manner. For the same, the plaintiffs shall always be at liberty to take the appropriate legal steps in accordance with law.

4. Only as an example, it is clarified that the plaintiffs shall be entitled to produce the records of the bank accounts of the defendant Firm, which have been mentioned in paragraph B. of the reply to the preliminary objections. Similarly, the plaint in the suit bearing No. CS 115/2015 and the written statement-cum-counter claim filed by Mr. Ravinder Pal Singh Batra therein, can also be exhibited through the official witnesses. Similarly, the other documents which have been referred to in the pleadings may also be exhibited through the official witnesses.

5. The learned counsels for the parties submit that, by the Order dated 13.10.2023, the learned Local Commissioner had been requested to make an endeavour to complete the recording of the evidence within a period of 6 months. The witnesses of the plaintiff are presently being examined and only formal witnesses are left.

6. Accordingly, the period for recording of the evidence is extended and the learned Local Commissioner is requested to complete the recording of the evidence within a period of the further 6



months, and not grant adjournments on any unwarranted requests of either of the parties.

7. The next date of hearing, that is, 13.09.2024 before the learned Joint Registrar (Judicial) shall stand cancelled. Instead, the suit shall be listed before the learned Joint Registrar (Judicial) on 17th February, 2025.

NAVIN CHAWLA, J

SEPTEMBER 5, 2024/ns/SJ

Click here to check corrigendum, if any