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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 LIMITEDPlaintiff

Through: Mr. Rajat Aneja and Ms. Chandrika
Gupta, Advocates.

versus

M/S BATRA ART PRESSDefendant

Through: Mr. S.K. Sharma, Mr. Yugant Kuhar
and Mr. Yogender Kumar, Advocates.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

17.12.2024

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1. The present case has been placed before this Court in view of certain objections taken by the Defendant in relation to production of documents pertaining to a Property bearing No.B-72, Naraina Industrial Area, Phase-2, New Delhi – 110028 (*hereinafter referred to as “property in question”*) which have been sought to be produced by the witness.

2. Learned Counsel appearing for the Defendant raises an objection by saying that the Plaintiff cannot be permitted to pray for a direction before this Court to produce the documents for the reason that the property in question has not been mentioned either in the plaint or replication. He draws attention of this Court to an Order dated 05.09.2024 passed by this Court. Paragraph No.3 of the said Order dated 05.09.2024 reads as under:

“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.”

3. Learned Counsel for the Defendant submits that since the property in question is not mentioned either in the plaint or replication, the Plaintiff cannot be permitted to exhibit the documents in violation of the Order dated 05.09.2024.
4. The learned Counsel appearing for the Plaintiff draws attention of this Court to the Order dated 03.12.2024 passed by this Court and submits that the context in the replication has to be considered and not the fact that every document must be mentioned in the plaint.
5. When this Court gave a suggestion to the learned Counsel for the Plaintiff that since the property in question does not find mention in the plaint, it is always open for the Plaintiff to take recourse to all such remedies such as interrogatories or any other legal measures, as may be available, in accordance with law, the learned Counsel for the Plaintiff submits that he would not press for the production of documents at this juncture.
6. Liberty is granted to the Plaintiff to take recourse to all such remedies such as interrogatories or any other legal measures, as may be available, in accordance with law.
7. List before the Local Commissioner on 18.12.2024, the date already fixed.

SUBRAMONIUM PRASAD, J

DECEMBER 17, 2024

S. Zakir