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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 403/2017**
SHRI RISHI RAJPlaintiff

Through: Mr. Rajender Agarwal, Advocate

Versus

SAREGAMA INDIA LTD.Defendant

Through: Ms. Amrit Sharma,
Ms. Sucheta Roy, Advocates

CORAM:
JOINT REGISTRAR (JUDICIAL) Dr. AJAY GULATI

ORDER
27.10.2025

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1. Parties were referred to the Mediation Centre vide order dated 18.08.2025. However, mediation has failed.
2. Matter is at the stage of recording of chief-examination of DW-1 Mr. Yash Asai. DW-1 is present today alongwith original documents. Some of these original documents are agreements which have been filed as photocopies on record and those photocopies are sought to be exhibited as OSR by showing the original agreements to the Id. Counsel for the plaintiff. The exhibits in all are about 166 in number. **Out of these 166 exhibits, more than 100 documents are aforesaid agreements.** The major objection which Id. Counsel for the plaintiff is raising to the exhibition of these agreements as OSR exhibits is that all these agreements have not been filed as complete photocopies and consequently, the claimed originals which have been brought by the witness today cannot be said to be the original of the photocopy on record. For e.g. Document sought to be exhibited as Ex. DW-1/3 is an agreement dated 13.06.1977. The



photocopy on record has a ~~redacted~~ Clause 7 whereas the original brought today has the complete Clause 7. Ld. Counsel for the plaintiff thus submits that once the photocopy on record is different from the claimed original, the photocopy cannot be exhibited as OSR. Ld. Counsel for the plaintiff further submits that when the replication had been filed way back in November'2017, this particular aspect was highlighted therein and it was *alleged* that the defendant has manipulated the agreements while filing their photocopies. In the understanding of the Court, since the original of the agreement is being shown, there should not be any problem in exhibiting the photocopy document as OSR and the issue of redaction / alleged concealment is something which can be put to the witness in cross-examination. However, since ld. Counsel for the plaintiff is even refusing to look at the original agreements, for the reason already explained above and for the reason that about 100 such agreements are to be exhibited, this Court has no option but to place the matter before the Hon'ble Court for further directions.

3. Ld. Counsel for the defendant is directed to carry all the originals which have been brought today by the witness on the next date also, for the convenience of the Hon'ble Court.

4. In view of the above, be placed before the Hon'ble Court on 11.11.2025, for further directions.

Dr. AJAY GULATI
(DHJS),
JOINT REGISTRAR (JUDICIAL)

OCTOBER 27, 2025/sk