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

Through: Mr. Harish Malhotra, Senior Advocate
with Mr. Rajender Agarwal & Mr.
Anoop Kumar, Advocates.

Versus

SAREGAMA INDIA LTD.Defendant
Through: Mr. Gopal Jain, Senior Advocate with
Mr. Ankur Sangal, Mr. Shashwat
Rakshit & Mr. Bhuvan Malhotra,
Advocates.

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

ORDER
11.11.2025

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1. The matter is listed before this Court pursuant to order dated 27.10.2025 passed by learned Joint Registrar (Judicial) observing as under:

*"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. Id. 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. Id. 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 Id. 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."

2. The learned Senior Counsel for the Plaintiff submits that Plaintiff has objection to the Defendant exhibiting the documents as the documents sought to be exhibited are not the same documents filed along with the Written Statement.
3. The learned Senior Counsel for the Defendant submits that the documents are the redacted version of the original documents sought to be relied upon by the Defendant and the same are already filed along with the Written Statement.
4. Both Parties shall file their respective Written Submissions on this issue along with the table showing the difference between the documents that are already filed along with the Written Statement and the documents sought to be exhibited at the time of recording of evidence within a period of two weeks.
5. List on 04.12.2025.

TEJAS KARIA, J

NOVEMBER 11, 2025

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