

Item No. S-1

Nirmal Malakar Vs. LaRiSa Enterprises and another.

FAO (OS) No. 15 of 2026.

21.07.2026

Present: Mr. B.S. Chauhan, Senior Advocate, with M/s Aditi Rana and Sahil Sharma, Advocates, for the appellant.

M/s Sumit Sharma and Digvijay Singh, Advocates, for the respondents.

Inter alia, contends that the case of the appellant-plaintiff is based on the 10 bills, original of which had been sent to the defendants for payment. It is contended that for another 6 bills, payment had been made and an application for leading secondary evidence was filed on the basis of the aforesaid invoices, since the original bills were in the possession of the defendants.

It is further pointed out that an E-mail had also been received appended along-with the replication filed in the suit as Annexure P-6 as one of the documents and prayer was made to produce the original E-mail.

It is thus submitted that learned Single Judge while dismissing the application, had admitted the invoices as secondary evidence of electronic record and had held that the plaintiff could not shift his burden and compel the defendants to furnish certificate under Section 63(4) of the Bharatiya Sakshya Adhiniyam, 2023.

Notice. Mr. Sumit Sharma, learned counsel, appears and waives service of notice on behalf of the respondents.

List on **31.08.2026**. In the meantime, let the necessary documents, being relied upon by the appellant, be also placed in the appeal paper-book as annexures, for the convenience of this Court.

(G.S. Sandhawalia)
Chief Justice

(Bipin C. Negi)
Judge

July 21, 2026
(Shivank Thakur)