

HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 4464/2024

Pratibha Industries Ltd., Having Its Head Office At Unit No. 1/b-56 And 1/b-57, 1St Floor, Phoenix Paragon Plaza, Phoenix Market City, Lbs Road, Kurla (West), Mumbai-400070 Through Its Authorized Representative.

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary, Public Health And Engineering Department (Phed), Government Of Rajasthan, Government Secretariat, Jaipur, Rajasthan.
2. Chief Engineer (Special Projects), Public Health And Engineering Department (Phed), F-18, New Building, First Floor, 2, Civil Lines, Jaipur, Rajasthan.
3. Additional Chief Engineer (Project), Public Health And Engineering Department (Phed), Ajmer, Rajasthan.

-----Respondents

Connected With

S.B. Civil Writ Petition No. 20377/2023

Pratibha Industries Ltd., Having Its Head Office At Unit No. 1/b-56 And 1/b-57, 1St Floor, Phoenix Paragon Plaza, Phoenix Market City, Lbs Road, Kurla (West), Mumbai -400070 Through Its Authorized Representative.

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S.B. Civil Writ Petition No. 4466/2024

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----Respondents

For Petitioner(s)	:	Mr. Anil Mehta, Sr. Adv. Assisted by Mr. Siddharth Bapna
For Respondent(s)	:	Mr. Kuldeep Singh Rathore (AAAG) for Ms. Mahi Yadav, AAG

HON'BLE MR. JUSTICE BIPIN GUPTA
Judgment / Order

27/02/2026

1. The present writ petition have been filed challenging the order dated 12.10.2023, passed by learned Commercial Court, Ajmer, in Civil Suit No. 58/2021, Civil Suit No. 70/2021, Civil Suit No. 69/2021 and Civil Suit No. 05/2021, whereby the application filed by the plaintiff-petitioner in four suits under order 11 Rule 1(1)(5) read with Section 151 CPC has been dismissed.
2. Learned counsel for the plaintiff-petitioner submits that all the documents referred to in the application, and filed in three volumes before the Commercial Court, pertain to the contract in

dispute, which has allegedly been wrongly terminated. It is on account of such wrongful termination that the suit for damages has been instituted.

3. Learned counsel further submits that the said documents are neither fabricated nor forged. He contends that most of the documents were, in fact, authored or scribed by the respondent. Counsel also submits that the documents are germane and necessary for the proper adjudication of the suit. Merely because the documents were filed after some delay and subsequent to the framing of issues, the learned trial Court declined to take them on record. Therefore, he prays that the documents be permitted to be taken on record in the interest of justice.

4. Per contra, learned counsel for the respondent submits that the documents were well within the knowledge of the plaintiff at the time of filing of the suit. He further contends that the object of the amendment to the Commercial Courts Act is to ensure expeditious disposal of commercial litigation. Learned counsel for the respondent submits that the delay in filing the documents is fatal to the petitioner's right to have them taken on record and, therefore, prays that the writ petition be dismissed.

5. Heard and perused the material available on record.

6. This Court finds from the petitioner's application that most of the documents are stated to have been authored by the respondent. The respondent has not refuted the existence of such documents, nor has it been contended that the documents are forged or fabricated. The respondent has also not disputed the relevance of the documents for the adjudication of the suit. The primary objection raised by the respondent pertains to the delay

in filing the documents and the petitioner's prior knowledge thereof at the time of institution of the suit.

7. Considering the aforesaid circumstances, this Court deems it appropriate to set aside the order dated 12.10.2022 in all four suits. The petitioner's application under Order I Rule 1(1)(5) read with Section 151 CPC in each suit for taking the documents on record is allowed, subject to payment of costs of Rs. 25,000/- to the respondent in each suit.

8. It is clarified that only those documents which are produced in original at this stage shall be permitted to be taken on record. Photocopies shall be considered by the learned trial Court only upon filing of an appropriate application under Section 65 of the Indian Evidence Act, and only if such application is allowed. In the absence of such permission, photocopies shall not be taken on record.

9. Accordingly, the present writ petitions stand disposed of.

10. Pending application(s), if any, also stand disposed of.

(BIPIN GUPTA),J