

ITEM NO.8 Court 6 (Video Conferencing) SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 1163/2020

(Arising out of impugned final judgment and order dated 18-11-2019 in IA No. 12208/2019 in CS (COMM) No.685/2018 passed by the High Court Of Delhi At New Delhi)

R SYSTEMS INTERNATIONAL LIMITED Petitioner(s)

VERSUS

ATLANTA GLOBAL ADVISORS PVT. LTD. Respondent(s)

Date : 11-08-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE L. NAGESWARA RAO
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Amit Singh Chauhan, Adv.
 Mr. Zafar, Adv.
 Mr. Ekansh Bansal, Adv.
 Mr. Ajay Kumar Talesara, AOR

For Respondent(s) Mr. Sanjoy Ghose, Sr. Adv.
 Ms. Urvi Mohan, Adv.
 Mr. Rhishabh Jetley, AOR

UPON hearing the counsel the Court made the following
O R D E R

The defendant has filed this Special Leave Petition aggrieved by an Order passed by the High Court on 18.11.2019 allowing an application filed by the respondent/plaintiff for disclosing certain additional documents which were not filed initially at the time of filing of the suit.

The High Court allowed the application after a careful consideration of Order XI Rule 1 (5) of the Code of Civil

Procedure, 1908 ('CPC') as applicable to commercial suits and recorded a finding that the respondent had shown sufficient grounds for not filing the additional documents at the time of filing of the suit. The High Court accepted the ground taken by the respondent that there were thousands of e-mails from which the additional documents had to be culled out. However, the High Court was of the opinion that the respondent has to be burdened with certain cost for the delay in disclosure of the additional documents.

Mr. Amit Singh Chauhan, learned counsel appearing for the petitioner submitted that Order XI Rule 1 (5) of CPC casts a duty on the court to examine whether the plaintiff has established a reasonable cause for not producing the documents at the time of filing of the suit. He relied upon a judgment of Delhi High Court in Zee Entertainment Enterprises Ltd. vs. Saregama India Ltd. reported in 2019 SCC Online Delhi 10215 to argue that utmost care has to be taken by the Court while permitting additional documents to be filed by the plaintiff at a later stage. In the said case there was absolutely no justification for the delay in filing the relevant documents.

In this case, the High Court has given reasons for allowing the application by holding that the Respondent had shown sufficient cause for the delay in filing the documents.

For the aforesaid reasons, we are not inclined to interfere with the order passed by the High Court. The

special leave petition is, accordingly, dismissed. Pending application(s), if any, shall stand disposed of.

(Geeta Ahuja)
Court Master

(Anand Prakash)
Court Master