



2026:DHC:8015



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% **Date of Decision : 14.09.2026**

CNR No.DLHC010471842024

+ **CS(COMM) 649/2024 and IA No.35511/2024**

M/S SHYAMSREE DEVELOPERS PRIVATE LIMITED.....Plaintiff

Through: Mr. Vipul Wadhwa and Ms. Kashika
Gera, Advocates.

versus

M/S REDECON (INDIA) PRIVATE LIMITED & ANR...Defendants

Through: Mr. Siddhant Nath, Mr. Bhavishya
Makhija and Mr. Amaan Khan, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

SACHIN DATTA, J. (ORAL)

IA No. 31695/2025 (ON BEHALF OF THE DEFENDANT NO.1 UNDER SECTION 151 READ ALONG WITH ORDER VI RULE 17 OF THE CODE OF CIVIL PROCEDURE 1908 SEEKING PERMISSION TO FILE AN AMENDED AFFIDAVIT OF ADMISSION DENIAL BY DEFENDANT NO.1)

1. This is an application filed on behalf of the defendant no.1 seeking permission to file an amended affidavit of admission/denial of documents, or in the alternative, seeking a clarification in respect of the affidavit of admission/denial dated 17.10.2024 already filed by it. It has been averred in the application as under:-

“3. That the Applicant/Defendant No. 1 is filing the present application seeking amendment of the Admission Denial of Documents dated 17.10.2024 filed by the Defendant No.1 or seeking



clarification of the same. That at Serial No.5 and S.No.7 of the Affidavit of Admission Denial dt 17.10.2024 following the Documents are mentioned:

(i) The plaint filed by the Plaintiff before the Court of Ms. Mona T. Kerketta, District Judge-06, South-East District, Saket Courts, New Delhi, in CS DJ No. 416 of 2024 titled “M/s Shyamsree Developers Pvt. Ltd. v. M/s Redecon (India) Pvt. Ltd.”, along with Order XXXIX Rules 1 and 2 CPC filed by the plaintiff in the said proceedings.

(ii) Application filed by the Plaintiff under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908 before the Ld. Vacation Bench.

4. That Defendant No. 1 has already filed its comprehensive Written Statement to the said plaint in CS DJ No. 416 of 2024, before the Ld Saket Court, categorically apposing and the said Suit. The said Written Statement filed in CS DJ No. 416 of 2024 is filed as Document 1 along the List of Documents filed by Defendant No.1 in the present suit. It is further pertinent to mention that the Defendant No.1 has also opposed the application filed by Plaintiff under Order Rule 1 & 2 and as well as the Application under Order 39 Rule 2A by filing their appropriate replies in the said suit pending before the Ld Saket Court i.e. CS DJ No. 416 of 2024.

5. That it is further submitted herein that during the process of filing the Affidavit of Admission/Denial, the Defendant No. 1 has accepted these documents only to the limited and technical extent that they are true and correct copies of documents forming part of the record of the aforesaid proceedings in the Saket Court. The said admission is confined strictly to the existence, form, and identity of the documents, and not to the truth, correctness, or legal validity of any assertion, narration, allegation, or statement contained therein.

6. That it is pertinent to mention that the Applicant/Defendant No.2 herein considers it necessary to bring to the attention of this Hon’ble Court that the marking of the said plaint and the Order 39 Rule 1 & 2 application as “admitted documents” in the affidavit does not, and cannot, amount to an acceptance or acknowledgement of any of the factual averments, legal submissions, or prayers contained therein. The admission pertains only to the document as a record emanating from the Saket Court, and does not admit any validity of the contents of the said documents. It is once again clarified that the Defendant No.1 categorically denies and disputes the contents of Documents mentioned as S.No 5 and 7 of the Affidavit of Admission Denial dt



17.10.2024”

2. Learned counsel for the applicant/defendant no.1 submits that the marking, as “admitted documents” in the affidavit of admission/denial dated 17.10.2024, of the plaint filed by the plaintiff in CS DJ No. 416 of 2024, pending before the Court of Ms. Mona T. Kerketta, District Judge-06, South-East District, Saket Courts, New Delhi, and of the applications under Order XXXIX Rules 1 and 2, and Order XXXIX Rule 2A, of the CPC, 1908 moved therein, ought not to amount to acceptance or acknowledgement of any of the factual averments, legal submissions or prayers contained therein.

3. The issue raised by the present application has to be considered in the context of the specific regime governing admission/denial of documents. Chapter VII Rule 3 of the Delhi High Court (Original Side) Rules, 2018 expressly provides that the affidavit of admission/denial filed along with the written statement shall be in accordance with Rule 4 of Order XI of the Code, as applicable under the Commercial Courts Act. Order XI Rule 4(2) requires a party to state expressly whether it admits or denies: (a) the correctness of the contents of a document; (b) the existence of a document; (c) its execution; (d) its issuance or receipt; and (e) its custody. Rule 7A of Chapter VII also contemplates that where receipt of a document is admitted but its contents are denied, the response may be recorded as “Admit (Receipt)”. The statutory scheme thus, requires the nature and extent of the admission or denial to be separately identified. The effect of an entry in such an affidavit must therefore be determined with reference to what precisely has been admitted or denied, and not merely by applying the general rule concerning the marking of a document as an exhibit.

4. The aforesaid scheme, however, does not efface the distinction



between an admission in relation to a document and acceptance of the truth of factual assertions made by the opposite party in that document. In fact, Order XI Rule 4(2) implicitly recognizes this distinction. In particular, where the document is a plaint or an application filed by the opposite party in separate proceedings, a generic admission in relation to such document does not, without more, amount to a concession that the factual allegations, legal submissions or prayers contained therein are true or well-founded.

5. In **S. Sangeetha & Ors. v. Tmt. P. Ponni**, 2026 SCC OnLine SC 1512, the Supreme Court reiterated that mere marking of a document as an exhibit does not prove its contents and that the contents must be proved in accordance with law. The relevant observations are reproduced below:

“11. It is also settled law that mere marking of a document as an exhibit, is not a proof of the contents thereof. A Division Bench of this Court in LIC v. Ram Pal Singh Bisen had observed:

“25. We are of the firm opinion that mere admission of a document in evidence does not amount to its proof. In other words, mere marking of exhibit on a document does not dispense with its proof, which is required to be done in accordance with law.

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31. Under the law of evidence also, it is necessary that contents of documents are required to be proved either by primary or by secondary evidence. At the most, admission of documents may amount to admission of contents but not its truth. Documents having not been produced and marked as required under the Evidence Act cannot be relied upon by the court. Contents of the document cannot be proved by merely filing in a court.”

12. Therefore, in the instant case, the contents of the documents which have been marked/exhibited will have to be proved in accordance with law. We find no reason to eschew them, at this stage.”

6. Reference may also be made to **Narbada Devi Gupta v. Birendra**



Kumar Jaiswal, (2003) 8 SCC 745, where it was held that mere production and marking of a document as an exhibit does not amount to due proof of its contents, and to **Ramji Dayawala & Sons (P) Ltd. v. Invest Import**, (1981) 1 SCC 80, which reiterates that proof of handwriting and execution does not, by itself, prove the truth of the facts stated in a document.

7. In the present case, the applicant/defendant no.1 asserts that the documents at Serial Nos. 5 and 7 were intended to be accepted only as true and correct copies of the plaint/applications forming part of the record of CS DJ No. 416 of 2024 before the Saket Courts, while the allegations and assertions made by the plaintiff therein continued to be disputed. The plaintiff, on the other hand, has specifically objected that the original affidavit records the said documents as “Accepted” under the heads “Correctness of Documents” and “Existence of Documents”. It is also a matter of record that defendant no.1 had filed its written statement and replies in the said proceedings; the plaintiff's reply to the present application itself treats those filings as matters of record.

8. In **M/s Unified Vision Capital Ltd. & Ors. v. M/s UV Asset Reconstruction Company Ltd.**, CM(M)-IPD 5/2024, decided on 04.04.2024, this Court permitted an updated affidavit of admission/denial to be taken on record upon finding that the modifications sought to be introduced merely elaborated upon the position already taken by the defendants and did not constitute a material alteration of their previously recorded stand. The Court also noticed that the purpose of admission/denial is to clearly delineate the documents which are contested and those which are agreed upon, thereby narrowing the focus of the trial to genuinely disputed issues. The relevant observations are as under:



“6. ... The Court notes that the modifications introduced appear to only elaborate on the Petitioners’ position in respect of certain documents ... Such modifications, while admittedly belated, are nonetheless consistent with the already established stance of the Petitioners ... Accordingly, the Court is of the opinion that the Petitioners ought to be permitted to update their affidavit of admission/denial.

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10. ...this procedural tool is designed to streamline the trial process by clearly delineating the documents that are contested and which are agreed upon between the parties ... According to the Court’s assessment, these clarifications do not constitute a material alteration of the Petitioners’ position as previously recorded. Rather, they serve to enhance the transparency and understanding of the Petitioners’ responses, aligning with the overarching purpose of admission/denial to aid in narrowing the focus of the trial to genuinely disputed issues.”

9. In view of the above, for the limited purpose urged by defendant no.1, namely, to make clear that it does not concede the truth of the factual allegations, and in order to obviate any ambiguity or apprehension arising from the manner in which the entries at Serial Nos. 5 and 7 have been recorded, liberty is granted to defendant no.1 to file a limited amended/clarificatory affidavit of admission/denial confined to the said two documents, expressly setting out its response under each of the heads prescribed by Order XI Rule 4(2). Any such filing shall be only clarificatory and consistent with the stand already taken by defendant no.1 in its pleadings; it shall not be construed as permitting withdrawal of any substantive admission, amendment of the written statement, or alteration of the defence already pleaded.

10. The present application is disposed of in the aforesaid terms.



2026:DHC:8015



I.A. 32525/2025 (ON BEHALF OF THE DEFENDANT NO.1 UNDER ORDER VII RULE 11)

11. List on 14.12.2026.

SACHIN DATTA, J

SEPTEMBER 14, 2026/r,sd