



2026:DHC:8069



\$~27

* IN THE HIGH COURT OF DELHI AT NEW DELHI
% Date of Decision: 17.09.2026

CNR No.DLHC010572222024

+ CS(OS) 704/2024

H.H. LOKANATH SWAMIPlaintiff

Through: Mr. Rakesh Taneja, Advocate.

versus

MS. SARASWATI SARA RICHARDSON JONES & ORS.

.....Defendants

Through: Mr. Ajay Garg, Mr. Uday Garg, Ms.
Anusha Garg, Ms. Nishtha Kumar and
Ms. Ananya Pandey, Advocates for D-
1 and D-2.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (ORAL)****I.A. 12129/2026 (ON BEHALF OF THE APPLICANTS/DEFENDANT NO.1
& 2 UNDER ORDER VIII RULE 1A (3) READ WITH SECTION 151 OF
THE CODE OF CIVIL PROCEDURE, 1908)**

1. By way of this application, the defendant nos.1 and 2 seek leave of this Court under Order VIII Rule 1-A(3) read with Section 151 of Code of Civil Procedure (CPC), 1908, to place on record the additional documents filed vide Diary No.1857426/2025 on 17.03.2025.
2. The present suit is for injunction and recovery of damages for alleged defamation founded on certain posts stated to have been made by the defendant nos.1 and 2, on a social media platform, concerning the plaintiff.
3. The defendant nos.1 and 2, in their written statement, have pleaded that the posts are true and constitute a fair comment made in public interest. In support of that plea, they have relied upon, and filed along with their written



2026:DHC:8069



statement, a report of a Case Panel constituted by the Governing Body Commission (hereinafter referred to as “GBC”) of the International Society for Krishna Consciousness (hereinafter referred to as “ISKCON”) concerning the plaintiff (hereinafter referred to as the “Panel Report”).

4. The written statement of the defendant nos.1 and 2, dated 28.09.2024, along with the accompanying documents and affidavit of admission/denial was placed on record as noted in the order dated 11.11.2024 of the Joint Registrar (Judicial).

5. The plaintiff in the affidavit of the admission/denial of the documents of the defendant nos.1 and 2, placed on record vide Diary No.5144879/2024 on 11.11.2024, denied the Panel Report. In the replication to the written statement of the defendant nos.1 and 2 filed on 23.11.2024, which was taken on record on 31.10.2025 in terms of the order dated 15.10.2025 of the Joint Registrar (Judicial), the plaintiff asserted that the Panel Report is not the official report of ISKCON and that the website on which it appears does not appear to be an official website of ISKCON.

6. It is in this backdrop that the defendant nos.1 and 2 filed the additional documents. The documents, as described in paragraph 7 of the application, comprise of the following:-

S. No.	DOCUMENTS PROPOSED TO BE BROUGHT ON RECORD
1.	True copy of the webpage/article titled as “GBC Announces Panel to Examine Lokanath Swami Issue and Its Own Past Decision Making” dated 21.07.2021 having link https://iskconnews.org/gbc-announces-panel-to-examine-lokanath-swami-issue-and-its-own-past-decision-making/



2.	True copy of the letter dated 21.07.2021 by the GBC Executive Committee having link https://iskconnews.org/wp-content/uploads/2022/09/panel_creation.pdf
3.	True copy of the resolution “GBC Decision Regarding Lokanath Swami” having link https://iskconnews.org/wp-content/uploads/2022/09/GBC_Decision_regarding_Lokanath_Swami.pdf
4.	True copy of the webpage/article “ISKCON GBC Releases Decision Regarding Status of Lokanath Swami” having link https://iskconnews.org/wp-content/uploads/2022/09/Stmt-on-LNS-Decisions-9.7.22-LH.pdf
5.	True copy of the webpage/article “GBC Releases Decision on Lokanath Swami” having link https://iskconnews.org/gbc-releases-decision-on-lokanath-swami/
6.	True copy of the webpage/article “Questions and Answers Regarding the Decision on Lokanatha Swami” having link https://iskconnews.org/wp-content/uploads/2022/09/Questions-and-Ans-LOK-Sept-7-2022-LH.pdf



7.	True copy of the webpage/article "News Brief – Summary of GBC Decision on Lokanath Swami" having link https://iskconnews.org/news-brief-summary-of-gbc-decision-on-lokanath-swami/
8.	True copy of the webpage/article "Our Team" on ISKCON website having link https://iskconnews.org/our-team/
9.	True copy of the ISKCON Governing Body Commission Society Resolutions of The Annual General Meeting 2024 having link https://gbc.iskcon.org/wp-content/uploads/2024/04/GBCRES24-1.pdf
10.	True copy of the Screen Shots and Transcripts of the Video Recording of (2 Minutes and 20 Seconds) with the title "ISKCON News -Lokanath Swami Case Closure, Tribute to Queen Elizabeth II" dated 20.09.2022 on the Youtube channel of ISKCON News having link https://www.youtube.com/watch?v=wdgg6yb9mE . and https://www.youtube.com/@iskconnews8394/videos
11.	Certificate under Section 63 of Bharatiya Sakshya Adhiniyam, 2023



2026:DHC:8069



7. *Vide* order dated 14.01.2026, the learned Joint Registrar (Judicial) directed the plaintiff to file a Joint Document Schedule after obtaining the comments and signatures of the counsel for the defendant nos. 1 and 2.
8. It is at that stage that the learned counsel for the plaintiff refused to include the additional documents in the Joint Document Schedule on the ground that the leave of the Court under Order VIII Rule 1A(3) of the CPC had not been taken.
9. The present application thereupon has been filed on 22.04.2026. Notice was issued *vide* order dated 30.04.2026. The plaintiff has filed a reply and the rejoinder has also been filed by the defendant nos.1 and 2.
10. Learned counsel for the defendant nos.1 and 2 submits that the foundation of the defence is the Panel Report which was duly filed along with the written statement. It is submitted that the additional documents are corroborative material that speaks to the provenance and official character of that report.
11. It is submitted that the need to place and file the above arose only when the plaintiff, in its replication and affidavit of admission/denial, denied that the report was an official document of ISKCON.
12. On the other hand, learned counsel for the plaintiff opposes the present application. He submits that the application is belated and an afterthought, having been filed only after the plaintiff pointed out the absence of leave during the preparation of the Joint Document Schedule.
13. He submits that the documents pre-date the institution of the suit and filing of the written statement and were therefore, within the knowledge, power, and possession of the said defendant nos. 1 and 2 at the time when the written statement was filed.



14. It is submitted that it is implicit from the written statement itself that the documents were well within the knowledge of the defendant nos. 1 and 2, yet the said defendants chose not to file the same at the relevant point in time. He submits that permitting the defendant nos.1 and 2 to file the additional documents at this stage would expand the scope of the controversy and delay the suit.

REASONING

15. Order VIII Rule 1A of the CPC requires a defendant who has founded its defence upon a document, or relies upon any document in their possession or power in support of their defence, to enter it in a list and produce it in Court when the written statement is presented. Sub-Rule (3) provides that a document which ought to have been so produced, but was not, *“shall not without the leave of the Court be received in evidence on his behalf at the hearing of the suit”*.

16. The provision, thus, does not shut out the document; it conditions its filing upon the leave of the Court. The principles governing grant of such leave have been expounded upon by the Supreme Court in ***Sugandhi and Another v. P. Raj Kumar***, (2020) 10 SCC 706, wherein it has been held as under:-

“8. Sub-rule (3), as quoted above, provides a second opportunity to the defendant to produce the documents which ought to have been produced in the court along with the written statement, with the leave of the court. The discretion conferred upon the court to grant such leave is to be exercised judiciously. While there is no straight jacket formula, this leave can be granted by the court on a good cause being shown by the defendant.

9. It is often said that procedure is the handmaid of justice. Procedural and technical hurdles shall not be allowed to come in the way of the court while doing substantial justice. If the



procedural violation does not seriously cause prejudice to the adversary party, courts must lean towards doing substantial justice rather than relying upon procedural and technical violation. We should not forget the fact that litigation is nothing but a journey towards truth which is the foundation of justice and the court is required to take appropriate steps to thrash out the underlying truth in every dispute. Therefore, the court should take a lenient view when an application is made for production of the documents under sub-rule (3).”

17. In **Levaku Pedda Redamma & Ors. v. Gottumukkala Venkata Subbamma & Anr.**, SLP (C) No.7452/2022 [order dated 17.05.2022], the Supreme Court, setting aside the orders which had refused the defendant’s leave to produce documents, observed that the Trial Court and the High Court have “*gravely erred in law in not permitting the defendants to produce documents, the relevance of which can be examined by the trial Court on the basis of the evidence to be led, but to deprive a party to the suit not to file documents even if there is some delay will lead to denial of justice*” and that “*even if there is some delay, the trial Court should have imposed some costs rather than to decline the production of the documents itself*”.

18. At the same time, as pointed out by a Co-ordinate Bench of this Court in **Naresh Arneja v. Atul Gupta**, CM (M) 965/2022, CM APPL.40534/2022 and CM APPL.40535/2022 [decided on 14.09.2022], the leniency mandated by **Sugandhi** (supra) pre-supposes that good cause is shown. The application must contain an explanation, howsoever brief, as to why the documents were not filed earlier and why they are relevant for adjudication of the controversy.

19. Tested on the above principles, the present application must succeed.

20. The explanation offered by the defendant nos.1 and 2 cannot be said



2026:DHC:8069



to be vague. The documents on which the defence is founded, is mainly the Panel Report, was filed along with written statement. The additional documents do not change the foundation of the defence; rather, they are material directed toward establishing that the Panel Report emanated from, and was acted upon by, the Governing Body of ISKCON, and that the website on which the same, as also the corrected material, was published is operated by ISKCON.

21. The need to place such material on record arose when the plaintiff, in its replication and in its affidavit of admission/denial, denied the official character of the report as well as the website, and put the defendant nos. 1 and 2 to strict proof thereof.

22. The submission that the documents pre-date the suit is not determinative of the matter. The relevant aspect is whether good cause has been shown for their not having been filed earlier. The circumstances in which the defendant nos.1 and 2 have been impelled to file these additional documents have been set out in the application, and this Court is satisfied that the necessity for the same arises from the pleadings of the parties.

23. The plaintiff's plea of prejudice is unsubstantiated. Issues are yet to be framed, and the admission/denial of the defendant nos.1 and 2's documents, as well as the marking of exhibits, is yet to take place before the Joint Registrar.

24. As such, the plaintiff will necessarily have full opportunity to file his affidavit of admission/denial in respect of the additional documents, to file documents in rebuttal, and to test the documents in cross-examination.

25. In the circumstances, the application is allowed.

26. The additional documents are taken on record.



2026:DHC:8069



27. It is clarified that nothing in this order shall be construed as an expression of opinion on the genuineness, authenticity and admissibility, mode of proof or evidentiary value of the documents sought to be placed on record.

28. All rights and contentions of the plaintiff in this regard are expressly reserved.

29. The application is disposed of in the above terms.

CS(OS) 704/2024

30. List before the Joint Registrar (Judicial) on 08.01.2027.

SACHIN DATTA, J

SEPTEMBER 17, 2026/r,sd