



2025:DHC:10741



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

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Date of Decision: 02.12.2025

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CM(M) 2332/2025, CM APPL. 75607/2025, CM APPL. 75608/2025 & CM APPL. 75606/2025

M/S ALPRO INDUSTRIES AND ORS

.....Petitioners

Through: Mr. I. M. Quddusi, Sr. Advocate with
Mr. Kanti Tiwari, Advocate.

versus

M/S INDO ALUSYS INDUSTRIES LTD

.....Respondent

Through: None.

CORAM: JUSTICE GIRISH KATHPALIA**ORDER (ORAL)**

1. Petitioners/defendants have assailed order dated 18.07.2024 of the learned trial court, whereby their application under Order VIII Rule 1A CPC was dismissed. Having heard learned senior counsel for petitioners, I do not find it a fit case to even issue notice.

2. Broadly speaking, the respondent/plaintiff filed a money recovery suit in the month of May 2016 in which, after filing of Written Statement in the month of June 2017, issues were framed by the trial court on 11.10.2017. The respondent/plaintiff concluded its evidence on 05.06.2023 and the suit



was posted for recording evidence of the petitioners/defendants. After taking an adjournment, the petitioners/defendants filed an application seeking to place on record certain additional documents. After hearing both sides, the learned trial court dismissed the said application by way of detailed order, impugned in the present proceedings.

3. In the impugned order, the learned trial court observed that there was no explanation advanced from the side of the petitioners/defendants to explain the delay of almost seven years in seeking to place on record the subject documents; and that the petitioners/defendants had failed to disclose as to whether the subject documents were earlier not in their knowledge or could not be produced at appropriate stage despite due diligence.

4. In the above backdrop, learned senior counsel for petitioners/defendants contends that the impugned order is not sustainable in the eyes of law because the subject documents are essential in order to establish that the petitioners/defendants have already paid the entire amount claimed in the suit. Further, learned senior counsel contends that on account of shifting of office of the defendants, the subject documents could not be filed in time.

5. In the impugned order itself, the learned trial court has extracted the entire application, which led to the impugned order. The application, running into four paragraphs is completely silent on the nature and relevance of the subject documents. The application vaguely mentions that while filing



the Written Statement, the subject documents could not be filed. Not a word has been mentioned as to what the subject documents, which the petitioners/defendants want to file, are.

6. Further, there is absolutely no whisper in the application as to why the subject documents were not filed at appropriate stage. Even the plea taken today that due to shifting of office of the defendants, the documents could not be filed in time has not been mentioned in the application. Even before the learned trial court during arguments, no such ground was raised. Further, there is not even a whiff disclosing as to when the office of the defendants was shifted. It is completely unbelievable that shifting of the office would have taken seven years, which led to failure in filing the said documents.

7. It is also nobody's case that the subject documents were not in power and possession of the petitioners/defendants.

8. Keeping in mind the stage of the suit proceedings, taking the subject documents on record would also prejudice the case of the respondent/plaintiff as the plaintiff never had an opportunity to deal with the subject documents at appropriate stage.

9. I am unable to find any infirmity in the impugned order, so the same is upheld. The petition is not just devoid of merits but is also totally frivolous. Therefore, the petition and the accompanying applications are dismissed with cost of Rs. 10,000/- to be deposited by the petitioners with



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DHCLSC within one week.

10. Copy of this order be sent to the learned trial court for information.

GIRISH KATHPALIA
(JUDGE)

DECEMBER 02, 2025/dr