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

% ***Date of Decision: 26<sup>th</sup> May, 2025***

+ CM(M) 988/2025 & CM APPL. 32728-32729/2025

ADAMA INDIA PRIVATE LIMITED (ERSTWHILE KNOWN AS  
MAKHTESHIM AGAN INDIA PVT. LTD.) .....Petitioner

Through: Mr. Kunal Tandon, Sr. Advocate with  
Mr. Chetan Roy, Mr. Amandeep  
Singh, Ms. Natasha Singh and  
Ms. Deeksha, Advocates.

versus

S.S. PACKAGING INDUSTRIES PVT LTD .....Respondent

Through: Mr. Rajesh Baweja and Ms. Poonam  
Kanduri, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE MANOJ JAIN**

**J U D G M E N T (oral)**

1. Petitioner is defending a suit which seeks recovery of Rs.23,23,193/- with interest.
2. When the case was at the stage of defendant's evidence, an application was filed by defendant/petitioner under Order VIII Rule 1A CPC seeking permission to place on record 23 additional documents.
3. Petitioner/defendant is aggrieved by order dated 04.03.2025 whereby such request has been declined.
4. Learned Senior Counsel for the petitioner submits that the approach of the Court should be liberal in such type of matters, instead of, being too narrow or pedantic. He submits that, even otherwise, no prejudice is going to be caused to the plaintiff, on account of such belated filing of the documents and if the Court so directs, the defendant can always be burdened with some condition, while permitting any such application.



5. This Court has gone through the impugned order.
6. The suit in question was filed way back in the year 2013 and it is not, appropriately, explained as to what prevented the defendant from moving said application at earlier stage, or for that matter, annexing all these documents which were under its control, power and possession, all along, when it filed its written statement.
7. Of course, generally speaking, the approach of the Court is liberal in such type of matters but that does not mean that any such litigant can walk in at any stage of the case and can move any such application, when the case has already progressed, substantially.
8. During course of the arguments, the attention of this Court was drawn towards relevant paragraphs of the plaint as well as of the written statement and, in particular, to para 7 of the plaint and of the corresponding para of written statement.
9. Admittedly, there is nothing new pleaded by the defendant but that rather makes the job of the defendant much more onerous and difficult. It knew all along about its line of defence and despite knowing the same, for the reasons best known to the defendant, it did not place on record all these documents. To permit any such party to place on record such documents after, virtually, eleven years of institution of the suit would rather move the clock backwards.
10. The impugned order seems to be well-reasoned and there is no illegality or perversity therein, which may necessitate any kind of interference by this Court by invoking powers under Article 227 of the Constitution of India.
11. Reference, in particular, may be made to para 4, 5, 9, 10, 12, 13 and 14



of the impugned order, which read as under:-

*“4. By way of this application, the defendant seeks to place on record 23 additional documents, which were never filed by it with the written statement or at any stage thereafter, so far. In this application, no reason is mentioned why these documents could not be filed by the defendant in the last 11 years. In paragraph 3 of the application, it is only vaguely mentioned that these documents could not be placed on record “inadvertently”. Not even a single word other than this word “inadvertently” has been devoted in the application to explain why these documents could not be arranged and filed by the defendant earlier.*

*5. Upon inquiring orally, Ld. Counsel for the defendant admits that it is not the case that these documents were misplaced or lost, or that they were stolen or that the defendant was trying to arrange for these documents during the last 11 years but due to certain unavoidable circumstances could not find these documents. There is no whisper of any reason, (convincing or not) for not filing these documents on record for so long.*

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*9. The principles for grant of leave to produce documents at a belated stage are governed by the well established rules of discretion which are (inter-alia) governed by the peculiar facts of each case. In an old matter like this one, where the defendant has had sufficient opportunities to bring on record there entire material and where it had proper legal assistance since beginning documents cannot be casually taken on record at the fag end of the trial. Filing these documents at this stage, when the plaintiff has already recorded its entire evidence and has examined all its witnesses will cause severe prejudice to the plaintiff.*

*10. Further this court is not in agreement with the averment of the Ld. Counsel for the defendant that in the written statement he has specifically referred to all these 23 documents which he now intends to file, therefore the plaintiff will not be prejudiced if these documents are not now taken on record. In the written statement, there is only a broad reference to the fact that the defendant was corresponding with the plaintiff from the year 2011 to 2013 and that the defendant was forced to purchase other machines from Unitech Engineering Company and Liquipack Pvt. Ltd between October 2011 and January, 2012. There is no specific reference to these documents and there is no mention that the defendant is in the process of tracing these documents on record and will file them as and when they are traced.*



*12. In the above noted facts and circumstances, the plaintiff is not entitled to grant of leave to file additional documents. To grant leave to, and permit the defendant to file the documents at this stage would mean that the plaintiffs would be put to serious prejudice. The plaintiff has not had the occasion to deal with the said documents. Had these documents been produced at the stage of filing of the suit or when the issues were settled, the plaintiff could have dealt with the same by filing its own documents to counter the reliance by the defendant but it has no occasion to do so now. The trial in this old matter cannot be derailed and delayed on account of the blatantly casual approach of the defendant. More so because the defendant has not given any explanation for not filing the documents at the earlier stage of the proceedings. If the submissions of the defendant were to be accepted it will lead to even further delay and derailment of the trial.*

*13. While it is true that procedural law is only a handmaid for justice, however, this principle cannot be stretched indefinitely to cover even those situations where the defendant has been nothing but negligent in defending its case, despite the fact that it is not an individual layman, but a 'for-profit' Private Limited Company, which purchases machines and other assets worth crores for its business requirements, has turnover running into crores and has had adequate legal representation right from the first day of entering appearance before the Court.*

*14. If such documents which could have been easily placed on record earlier are taken on record at this stage without any 'cogent reason' having been mentioned in the application, the trial will go on forever with no incentive for the defendant to be careful and have a speedy trial."*

12. This Court is, therefore, not inclined to interfere in the present matter as the discretionary power seems to have been exercised in a judicious manner.

13. Finding no merit or substance in the present petition, the same is hereby, dismissed.

14. Pending applications also stand disposed of in aforesaid terms.

**(MANOJ JAIN)  
JUDGE**

**MAY 26, 2025/st/js**