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

Date of Decision: 28th January, 2026

+ CM(M) 210/2026, CM APPL. 5590/2026 & CM APPL. 5591/2026
ZIMALAYA DRUGS PVT LTDPetitioner

Through: Mr. Ravinder Kumar Yadav, Ms. Arti Anupriya, Mr. Kartikey, Mr. Paras Juneja, Ms. Kritika Yadav and Mr. Naman Verma, Advocates.

versus

DABUR INDIA LIMITEDRespondent

Through: Mr. Manish Kumar Mishra, Ms. Akansha Singh, Ms. Saloni Raghuvanshi and Mr. Saransh Saini, Advocates.

CORAM:

HON'BLE MR. JUSTICE RAJNEESH KUMAR GUPTA

ORDER (Oral)

Rajneesh Kumar Gupta, J.

1. This hearing has been conducted through hybrid mode.
2. The present petition has been filed by the petitioner under Article 227 of the Constitution of India, 1950, assailing the order dated 20th May, 2025 passed by the trial court in CS(COMM) 1868/2019, whereby the application filed by the petitioner/defendant under Order VIII Rule 1 A (3) read with Section 151 of the Code of Civil Procedure, 1908, seeking permission to place the additional documents on record, has been dismissed.
3. Learned Counsel for the respondent appeared on advance notice and accepts notice.
4. With the consent of the learned Counsel for the parties, the matter is



taken up for hearing.

5. Learned Counsel for the petitioner submits that the trial court has passed the impugned order on the basis of surmises and conjectures. It is argued that the documents sought to be placed on record are relevant for the proper adjudication of the case. These documents could not be filed earlier as they were lying with the previous counsel and could not be supplied to the petitioner on time.

6. *Per contra*, learned Counsel for the respondent has argued that the present petition has been filed only with a view to delay the trial. It is contended that the application has been moved after the framing of issues, at a stage when the matter was fixed for the evidence of the respondent/plaintiff. It is submitted that the trial court has passed a well-reasoned order. The relevant portion of the impugned order reads as under:

“8. Order 11 Rule 1 (7) CPC of The CC Act mandates that Defendant shall file a list of all documents in its power, possession, control and custody pertaining to the suit along with written statement including documents. As per Order 11 Rule 1 (9) CPC, the written statement must contain a Declaration on oath by defendant that all such documents in power and control of defendant relevant to proceedings have been disclosed.

*9. In the case of **Sudhir Kumar alias S. Baliyan Vs. Vijay Kumar G.V. 2021 SCC online SC 734**, Hon’ble Supreme Court dealt with two categories of documents sought to be filed by the litigant of that case. Under one category, the documents were not in possession, power, or control of the plaintiff. That set of documents was allowed to be taken on record. Regarding the second category of documents, which were though in power, possession and control of the plaintiff, but they were not earlier filed inadvertently, Hon’ble Supreme Court declined to take them on record.*



10. *Coming to the factual matrix, case of Defendant falls within second category. It is not the case of Defendant that it was not in possession, power or control of these documents. Apart from the copy-right registration certificate and trade-mark registration certificate, (which are already part of list of documents along with written statement), Defendant has not disclosed any ground much less plausible one, while praying to file the documents annexed at page no. 15 to 70 of the application, which are copies of bills / receipts along with advertisements.*

11. *Defendant has also not filed the Statement of Truth with the written statement, specifically stating about those documents, which were within its power, possession and control pertaining to facts and circumstances of the proceedings initiated by Plaintiff nor the Affidavit of admission-denial of documents of Plaintiff has been filed by Defendant along with written statement.*

12. *The only plea of Defendant is that documents are sought to be filed pursuant to the directions of Hon'ble Delhi High Court. However, the Order dated 19.03.2025 passed by Hon'ble Delhi High Court observes that the application of Defendant has to be decided in accordance with law and the Order dated 30.09.2024 does not talk about the inclusion or exclusion of the documents filed by Defendant before Hon'ble Delhi High Court in the proceedings before this Court.*

13. *The “reasonable cause” within the meaning of Order 11 Rule 1 (10) of CPC as amended by The CC Act, cannot extend to negligence in filing of documents before the Court. It must refer to cause which was outside the control of Defendant. In the decision of Hon'ble Delhi High Court in “Casa 2 Stays Pvt. Ltd. Vs. VLCC Personal Care Ltd. (Decided on: 05-07-2024)” observed as:*

“....31. It is worth to mention, the respondent has not



pressed for leave of the Court at the time of the suit was filed before the learned Trial Court. Had that been the case, the learned Trial Court may have granted at the most, a further period of thirty days to the respondent to place on record the additional documents, thereafter, the respondent would have been required to file a declaration on oath in accordance with Order XI Rule 1(3) CPC.

32. It is noted from the record, that the respondent in its statement of truth appended with the plaint, has categorically deposed 'I do not have any other document in my power, possession, control or custody'.

33. Further, in view of paragraph 9 of the plaint, no application has been filed to seek extension of time to place the additional documents. Also, the respondent has not pleaded in its application that the additional documents were not in its power, possession, control or custody earlier and thus were not produced along with the suit.”

14. In *Bela Creation Pvt Ltd vs Anuj Textiles (DOD as 2 May, 2022)*, Hon’ble Delhi High Court observed as:

“....” Reasonable cause”, within the meaning of Order XI Rule 1(10) of the CPC, as amended by the Commercial Courts Act, cannot extend to negligence in filing of documents before the Court. “Reasonable cause”, necessarily, must refer to a cause which was outside the control of the petitioner, and which prevented the petitioner from filing the concerned documents along with the written statement.

24. In these circumstances, the decision of the learned Commercial Court not to allow the placing of additional documents by the petitioner, on record, cannot be faulted. No occasion exists for this Court to interfere therewith.

15. Since the suit is a commercial suit, the greater



degree of circumspection and care was required with more rigorous examination and checks, but defendant has lacked to observe such diligence and the application is bereft of any reasonable cause to file proposed documents during the stage of trial. The procedure, strict time-lines and the rigors of provisions of The CC Act cannot be ignored.

16. *The application has also been filed in a casual and cavalier manner and the same does not disclose any single reason for not filing documents along with written statement dated 17.01.2022. The documents were available with Defendant while entering its defence and yet they were not filed. In the absence of any ground shown by Defendant, the application seeking filing of additional documents of Defendant deserves dismissal.*

17. *Having observed thus, the prayer of defendant seeking placing of documents on record annexed at page no.15 to 70 of the application stands dismissed.*

18. *I also observe that the Defendant has not filed the Statement of Truth and the Affidavit in respect of admission-denial of documents as per Order 6 Rule 15 A of The CC Act and Order 11 of The CC Act along with written statement.”*

7. Keeping in view the facts and circumstances of the case, the present application has been moved after the framing of issues and at a stage when the matter was fixed for the evidence of the respondent/plaintiff. No reasonable cause has been shown by the petitioner which prevented the petitioner from filing these documents at the relevant stage. The prayer to place the additional documents on record at this stage does not merit acceptance. Accordingly, this Court do not find any illegality or infirmity in the impugned order which is a



2026:DHC:685



reasoned order passed in accordance with law. The petition is dismissed as being devoid of any merit. Pending application(s), if any, also stand disposed of.

JANUARY 28, 2026/v/tp

RAJNEESH KUMAR GUPTA, J