



C.R.P. Nos. 877 to 880 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2026

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.R.P. Nos. 877 to 880 of 2025

&

C.M.P. Nos. 5131, 5134, 5135 & 5136 of 2025

1. K.M. Poly Packs
rep. by its Proprietor
M. Jayaram Sekar,
1/1424/5, Vetrilaioorani Road,
Viswanatham,
Sivakasi 626 130.

2. Jayaram Sekar

..Petitioners

Vs.

Mrs.G. Nithya Kalyani
rep.by her Power Agent A. Ganesan,
S/o. M. Arumugam,
No.90-C/1, Anandha Nagar,
Sivanathapuram, Saravanampatti,
Coimbatore.

..Respondent



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Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the orders dated 03.02.2025 passed in I.A. Nos. 6, 9, 7 & 8 of 2025 respectively in COS No. 16 of 2024 by the learned Judge, Commercial Court (District Judge Cadre), Coimbatore.

For Petitioners	::	Ms.Athi Niveda
For Respondent	::	Mr.M.S. Swathish Kumar for M/s. Sarvabhauman Associates

ORDER

These civil revision petitions have been filed challenging the impugned orders dated 03.02.2025 passed in I.A. Nos. 6 to 9 of 2025 in COS No. 16 of 2024 by the learned Judge, Commercial Court (District Judge Cadre), Coimbatore, rejecting the aforesaid interlocutory applications filed by the petitioners seeking the following reliefs:

- (i) *To re-open the petitioners'/defendants' evidence to mark the bank statements and GST sale certificate as Exs. B4, B5 and B6 (I.A.No.6/2025);*
- (ii) *To order to the respondent/plaintiff to produce the documents of the summary accountants and GST related to the transaction between respondent/plaintiff agencies (i.e.,) Sai Kandan, Thirumalai agency and the petitioners'/defendants'*



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agencies namely K.M.Poly Packs, Amit, Keerthana Packing, Madhavan Bags, K.M. Packaging Vikat creations, Keerthi Packaging (I.A. No. 9 of 2025);

(iii) To condone the delay in filing the petition mentioned documents and to receive the same under Order XI Rule 1(7) (c)(ii) and 10CPC amended for Commercial Courts Act (I.A. No. 7 of 2025); and

(iv) To recall D.W.2 to mark bank statements and GST sale certificate as Exs.B4, B5 and B6 under Order XVIII Rule 17 CPC. (I.A. NO. 8 of 2025)

2. According to the petitioners, who are the defendants in the Commercial Suit No. 16 of 2024, pending on the file of Commercial Court (District Judge Cadre), Coimbatore, it has become a necessity for them to file the interlocutory applications due to the fact that the respondent/plaintiff did not file those documents along with the plaint even though P.W.1 (plaintiff's witness) has admitted during cross-examination that the respondent/plaintiff is having various other transactions with the petitioners/defendants involving the very same supply of raw materials, which is the subject matter of the suit in COS No. 16 of 2024.



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3. The Commercial Court, under the impugned orders, has

rejected the petitioners' interlocutory applications on the ground that the petitioners/defendants have not established reasonable cause to allow the said interlocutory applications as seen from the averments made by them in the respective affidavits filed in support of the respective interlocutory applications. The Commercial Court, under the impugned orders, has also relied upon a judgment of the Honourable Supreme Court in ***Sudhir Kumar @ S. Baliyan V. Vinay Kumar G.B.*** case for dismissing the petitioners'/defendants' applications.

4. Learned counsel for the petitioners/defendants would reiterate the contentions of the petitioners/ defendants as raised in the interlocutory applications, which have been dismissed by the impugned orders. She would state that since the respondent/plaintiff did not file the documents, it became necessary for the petitioners/defendants to take out the aforesaid interlocutory applications. She also drew the attention of this Court to the cross-examination of respondent/plaintiff and would submit that the respondent/plaintiff has admitted during cross-examination that the respondent/plaintiff is having various other transactions with the



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petitioners/defendants pertaining to very same supply of raw materials by the respondent/plaintiff to the petitioners/defendants. According to her, if the said documents are placed on record, the petitioners/defendants will be able to establish that they are not liable to pay the suit claim as prayed for by the respondent/plaintiff.

5. The suit filed by the respondent/plaintiff is admittedly a commercial suit. The petitioners'/defendants' applications, which came to be dismissed by the impugned orders, were filed only during trial. Under Section 8 of the Commercial Courts Act, 2015, it has been made clear that any party aggrieved by any order passed in an interlocutory application cannot file a revision petition. Even though these revisions petitions have been filed under Article 227 of the Constitution of India, it is settled law that the power of High Courts under Article 227 of the Constitution of India has to be sparingly exercised. Only when there is a grave error committed by the Trial Court, which is likely to result in travesty of justice, the power under Article 227 of the Constitution of India can be exercised by the High Courts. The Commercial Courts Act has been legislated for speedy disposal of commercial disputes. Strict timelines have been fixed under the said Act



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for an early disposal of commercial disputes.

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6. In the instant case, the Trial Court has considered the contentions of the petitioners/defendants and only thereafter, has come to the conclusion that no sufficient cause has been shown by the petitioners/defendants for filing the interlocutory applications when the suit is in part-heard stage. The Trial Court has relied upon the judgment of the Hon'ble Supreme Court in ***Sudhir Kumar @ S. Baliyan V. Vinay Kumar G.B.*** case for dismissing the petitioners' applications. If such kind of civil revision petitions are entertained, the object of Commercial Courts Act, namely, early disposal of commercial disputes, will get defeated. Several special safeguards have been provided under the said Act, which are not applicable to regular civil suits with regard to inspection and production of documents. Only to protect the interest of the parties to the dispute and in the interest of justice, such safeguards have been specifically provided under the said Act, which are not applicable to regular civil suits. In fact, as seen from the instant case, no notice was given by the petitioners/defendants calling upon the respondent/plaintiff to produce documents before filing the aforesaid interlocutory applications.



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7. For the foregoing reasons, this Court finds that there is no grave error committed by the Commercial Court in passing the impugned orders. The question of interfering with the same that too, when the suit involved is a commercial suit, by way of petitions under Article 227 of the Constitution of India does not arise. This Court does not find any merit in the civil revision petitions and accordingly, the civil revision petitions are dismissed. No costs.

8. Since the suit is a commercial suit, the Trial Court is directed to dispose of COS No. 16 of 2024 within a period of 6 months from the date of receipt of a copy of this order. Connected C.M.Ps are closed.

29.07.2026

nv

To

The Commercial Court
(District Judge Cadre),
Coimbatore.



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ABDUL QUDDHOSE,J.

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