



A.No.257 of 2023

A.No.257 of 2023 in
C.S.No.46 of 2018

C.SARAVANAN, J.

The above suit was filed on 30.11.2017 before the Commercial Division was notified in 2018. This Court determined the jurisdiction under the provisions of the Commercial Courts Act, 2015 only before the Trial has commenced. The first defendant has now moved this application for introducing an additional documents. The first defendant has filed a written statement on 20.01.2021. The written statement filed by the first defendant was adopted by the 2nd and 3rd defendants thereafter on 10.02.2022. The fourth defendant has also filed a written statement on 07.04.2021.

2.The application is opposed on the ground that the application is contrary to Order XI Rule 10 of CPC as amended for the purpose of Commercial Courts Act, 2015. It is submitted that after filing written statement, the question of allowing the documents contrary to Order XI Rule 10 of CPC as amended for the purpose of Commercial Courts Act, 2015 does not arise and therefore it is prayed that the application is dismissed.



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3.I have considered the arguments advanced by the learned counsel for the applicant/plaintiff and the respondent/defendant. The rigorous of Order XI Rule 10 of CPC has amended for the purpose of Commercial Courts Act, 2015 cannot be strictly made applicable to the facts of the case in as much as the suit itself came to be filed before the notification of this Commercial Division.

4.Under similar circumstances, the Hon'ble Division Bench of this Court in M/s.Kapoor Imaging Private Limited, Rep by its Managing Director, No.6, III Street, Balaji Nagar, Royapettah, Chennai – 600 014 Vs. M/s.Kodak (India) Private Limited in O.S.A.Nos.13 to 15 of 2020 vide its judgement dated 05.02.2020 was allowed marking of documents.

5.There was no determination of jurisdiction prior to filing of written statement. Amended Order XI Rule 10 of CPC was not applicable at the time when the written statement were filed by the applicant herein. Thus, the application stands allowed. Accordingly, the documents sought to be introduced as additional documents are taken on file and are permitted to be marked subject to their admissibility, relevancy and proof. Considering the fact that the pleadings are completed and documents are before this Court.



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The plaintiff and the defendants are directed to file their list of documents, additional statement of admission and denial of documents and draft issues.

Needless to state, that the documents will be marked subject to admissibility, proof and relevancy of the documents at the time of Trial.

6.List this case on 03.03.2023.

14.02.2023

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