



CRP No.3888 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM :

THE HONOURABLE MRS. JUSTICE T.V. THAMILSELVI

Civil Revision Petition No.3888 of 2023

and

C.M.P.No.23996 of 2023

1.M/s.Modern Weigh Systems
represented by its Proprietor R.Rajkumar

2.R.Rajkumar

3.Ranjithraja

... Petitioners

Vs.

1.M/s.Nipro MACHOI P. Ltd.,
represented by its Director D.Narasimhan,
No.9, Lakshmi Nagar,
Edayarpalayam to Kuvandampalayam Main Road,
Edayarpalayam, Coimbatore - 641 025.

2.D.Narasimhan

...Respondents

Prayer : Civil Revision Petition filed under Article 227 of Constitution of India, against the order and decretal order dated 24.07.2023 made in I.A.No.2 of 2023 in C.O.S.No.107 of 2023 on the file of the Commercial Court (District Judge Cadre), Coimbatore.



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For Petitioners : Mr.S.Sivashanmugam

For Respondents : Mr.M.S.Bharath

ORDER

Challenging the order passed in I.A.No.2 of 2023 in C.O.S.No.107 of 2023 on the file of the Commercial Court, (District Judge Cadre), Coimbatore, this Civil Revision Petition has been filed.

2. Learned counsel appearing for the petitioners/defendants submitted that before the Trial Court, the respondents/plaintiffs filed an application to pass an order of summary judgment in the above suit under Order XIII A of C.P.C as amended by the Commercial Courts Act, 2015. The said application was contested by the respondents/defendants and on hearing both sides, the petition was ordered. Challenging the said order passed by the Commercial Court, this Civil Revision Petition has been filed.

3. Learned counsel appearing for the respondents/plaintiffs submits that if the petitioners/defendants are aggrieved by the order passed in I.A.No.2 of 2023, there is a specific provision under Act XIII(1A) of the Commercial Courts Act, 2015. As per Act XIII(1A), the



petitioners/defendants have to prefer an appeal before the Commercial Appellate Court.

4. Records perused. Act XIII(1A) clearly states that there is a provision under the said Act to prefer an appeal against the order passed by the Commercial Court before the Appellate Court. Act XIII(1A) is as follows:

“ 13. Appeals from decrees of Commercial Courts and Commercial Divisions:

.....

(1A) Any person aggrieved by the judgment or order of a Commercial Court at the level of District Judge exercising original civil jurisdiction or, as the case may be, Commercial Division of a High Court may appeal to the Commercial Appellate Division of that High Court within a period of sixty days from the date of the judgment or order.”

5. In view of the above, appeal remedy is available to the petitioners/defendants and hence, they are at liberty to file an appeal before the Appellate Court in the manner known to law.



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T.V.THAMILSELVI, J.

mp

Accordingly, this Civil Revision Petition is dismissed. No costs.

Connected miscellaneous petition is closed.

21.12.2023

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation: Yes/No
mp

To
1.The Commercial Court (District Judge Cadre),
Coimbatore.
2.The Section Officer,
VR-Section, High Court of Madras.

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