



CRP Nos.363 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2024

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRP No.363 of 2024

M/s.Triple Helix Industries
Represented by its Proprietor,
Mr.Raj Kumar
No:5 and 6, Sidco Industrial Estate,
Sipcot, Ranipet -632 403

... Petitioner

Vs.

M/s Bhansali Chemicals
Represented by its Managing Director,
Mr.Ashok Mehta
Dadha Arcade, III Floor,
#108 Nyniappa Naick Street
Chennai -600 003

...Respondent

PRAYER: Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the order in IA No.4 of 2023 in COS No.873 of 2022 dated 10.11.2023 passed by the Commercial Court at Egmore.



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For Petitioner : Mr.G.Ashokapathy
for M/s. Pass Associates
For Respondent :Mr.Akhil Bhansali for respondent caveator

ORDER

The civil revision petition is filed to to set aside the order in IA No.4 of 2023 in COS No.873 of 2022 dated 10.11.2023 passed by the Commercial Court at Egmore.

2. The revision petition is the defendant and the respondent is the plaintiff in COS No.873 of 2022 on the file of the Commercial Court at Egmore. In the said suit, the respondent/plaintiff has filed an application in IA No.4 of 2023 to amending the name of parties by deleting the name of the proprietor and to amend it as a partnership firm. The trial court, by order dated 10.11.2023 allowed the said application. Challenging the said order, the petitioner has filed the present civil revision petition.



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3. Learned counsel for the petitioner submits that there is a separate transaction by the plaintiff with the proprietor and he is available now. Suddenly, the respondent/plaintiff wants to amend it as a transaction with the partnership firm. It cannot be permitted and it is unsustainable. The Trial court failed to consider the said aspect. Hence, seeking to allow the Revision.

4. Learned counsel appearing for the respondent supported the order of the trial court and also submitted that the transaction is with the partnership but it is inadvertently mentioned as proprietor. It is only change the name of the persons and there is no new cause of action has been introduced and further it is also barred under Section 8 of the Commercial Courts Act and hence seeking to dismiss the Revision.

5. Heard the learned counsel for the parties and perused the materials available on record.



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6. In this revision, the revision petitioner is challenging the order passed in IA No.4 of 2023 in COS No.873 of 2022 on the file of the Commercial Court at Egmore amending the name of the parties as partnership firm and deleting the name, proprietor. The trial court, in the impugned order, recorded that the amendment sought to be introduced in the name and description of the defendant. In the plaint, the defendant has been described as proprietor. In the written statement, it is recorded that it is inadvertently mentioned as proprietor instead of partnership firm. In the absence of not introducing any new cause of action, allowed the petition for amendment. Apart from this, in view of Section 8 of Commercial Court Act, this Revision is not maintainable. Section 8 of Commercial Court Act, runs as follows:

8. Bar against revision application or petition against an interlocutory order.—Notwithstanding anything contained in any other law for the time being in force, no civil revision application or petition shall be entertained against any interlocutory order of a



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Commercial Court, including an order on the issue of jurisdiction, and any such challenge, subject to the provisions of section 13, shall be raised only in an appeal against the decree of the Commercial Court.

7. In view of the above, the Revision is not maintainable. There is no merit in the revision and hence, the Civil Revision Petition is dismissed. The petitioners has every right to raise all his defense available before the trial court. There shall be no order as to costs. Consequently, CMP No.1693 of 2024 is closed.

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Index: Yes/No
Internet: Yes/No
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V.SIVAGNANAM, J.,

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