



C.R.P(MD)Nos.2394 to 2396 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 30.09.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P(MD)Nos.2394 to 2396 of 2024

and

C.M.P(MD)No.13516 of 2024

C.R.P(MD)No.2394 of 2024:

M/s.CR Industrial Minerals,
Through its Branch Manager,
21-B, Bharathi Nagar (West),
Karur,
India.

... Petitioner /
1st Respondent /
1st Defendant

Vs.

1.M/s.Trans Asian Shipping Service (Pvt.,) Ltd.,
Corporate Office-Trans Asia Corporate Park,
Seaport – Airport Road,
Chettetukkara, Kakkanad
Ernakulam having Branch at Manikkam Towers,
Palayamkottai Road,
Tuticorin – 628 003.
Represented by its Branch Manager,
V.Lakshmanan.

... 1st Respondent /
Petitioner /
Plaintiff



C.R.P(MD)Nos.2394 to 2396 of 2024

2.M/s.BNC Asia Co., Ltd.,
19th Floor, Panjathani Tower,
127/24, Nonsee Road,
Chongnonsee,
Yannawa,
Bangkok – 10120,
Thailand.

... 2nd Respondent /
2nd Respondent /
2nd Defendant

Prayer : Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair order and decreetal order dated 19.09.2024 in I.A.No.7 of 2024 in O.S.No.13 of 2015 on the file of Principal District Court, Tuticorin.

For Petitioner : Mr.S.Ramesh

C.R.P(MD)No.2395 of 2024:

M/s.CR Industrial Minerals,
Through its Branch Manager,
21-B, Bharathi Nagar (West),
Karur,
India.

... Petitioner /
1st Respondent /
1st Defendant

Vs.

1.M/s.Trans Asian Shipping Service (Pvt.,) Ltd.,
Corporate Office-Trans Asia Corporate Park,

2/8



C.R.P(MD)Nos.2394 to 2396 of 2024

Seaport – Airport Road,
Chettetukkara, Kakkanad
Ernakulam having Branch at Manikkam Towers,
Palayamkottai Road,
Tuticorin – 628 003.
Represented by its Branch Manager,
V.Lakshmanan.

... 1st Respondent /
Petitioner /
Plaintiff

2.M/s.BNC Asia Co., Ltd.,
19th Floor, Panjathani Tower,
127/24, Nonsee Road,
Chongnonsee,
Yannawa,
Bangkok – 10120,
Thailand.

... 2nd Respondent /
2nd Respondent /
2nd Defendant

Prayer : Civil Revision Petition filed under Article 227 of the
Constitution of India, to set aside the fair order and decreetal order dated
19.09.2024 in I.A.No.8 of 2024 in O.S.No.13 of 2015 on the file of
Principal District Court, Tuticorin.

For Petitioner : Mr.S.Ramesh

C.R.P(MD)No.2396 of 2024:

M/s.CR Industrial Minerals,
Through its Branch Manager,
21-B, Bharathi Nagar (West),
Karur,
India.

... Petitioner /

3/8



WEB COPY



C.R.P(MD)Nos.2394 to 2396 of 2024

1st Respondent /
1st Defendant

Vs.

1.M/s.Trans Asian Shipping Service (Pvt.,) Ltd.,
Corporate Office-Trans Asia Corporate Park,
Seaport – Airport Road,
Chettetukkara, Kakkanad
Ernakulam having Branch at Manikkam Towers,
Palayamkottai Road,
Tuticorin – 628 003.
Represented by its Branch Manager,
V.Lakshmanan.

... 1st Respondent /
Petitioner /
Plaintiff

2.M/s.BNC Asia Co., Ltd.,
19th Floor, Panjathani Tower,
127/24, Nonsee Road,
Chongnonsee,
Yannawa,
Bangkok – 10120,
Thailand.

... 2nd Respondent /
2nd Respondent /
2nd Defendant

Prayer : Civil Revision Petition filed under Article 227 of the
Constitution of India, to set aside the fair order and decreetal order dated
19.09.2024 in I.A.No.9 of 2024 in O.S.No.13 of 2015 on the file of
Principal District Court, Tuticorin.

For Petitioner : Mr.S.Ramesh



WEB COPY



C.R.P(MD)Nos.2394 to 2396 of 2024

COMMON ORDER

Heard the learned counsel appearing for the revision petitioner.

2.The revision petitioner is the first defendant in O.S.No.13 of 2015 on the file of Principal District Court, Tuticorin. The plaintiff in the suit filed 3 Interlocutory Applications (I.A.Nos.7 of 2024, 8 of 2024, 9 of 2024) for reopening their suit and for recalling P.W.1 and for receiving the bill of lading dated 12.05.2022 under Order 7 Rule 14(3) of CPC. The three Interlocutory Applications were allowed on 19.09.2024. Questioning the same, these Civil Revision Petitions came to be filed.

3.The learned counsel appearing for the revision petitioner reiterated all the contentions set out in the memorandum of grounds of civil revision petitions. He pointed out that the bill of lading will be in triplicate. The reverse side of bill of lading, Ex.A1 marked by the plaintiff and Ex.B1 marked by the defendant were blank. The document now sought to be introduced is having contents. As per the clause now found in Page.2 of bill of lading there is an arbitration clause. The



C.R.P(MD)Nos.2394 to 2396 of 2024

learned counsel for the revision petitioner states that if this had been projected in the very first instance, the petitioner would have sought reference to arbitral remedy.

4.I am not swayed by the said submissions. The Court below had exercised its discretion in favour of the plaintiff by allowing the three applications. Paragraphs 6, 7 and 8 of the order read as follows:

“6) The Point :-

The Bill of Lading filed along with I.A.No.9/2024 is not a new document. The Bill of Lading is filed through P.W.1 and marked as Ex.A1 on 15.10.2019 itself. In Ex.A1, the 2nd page is missing. During the course of arguments, the learned 1st respondent / 1st defendant's counsel vehemently contended that the 2nd page of the Bill of Lading is suppressed by the plaintiff. Only after that, the petitioner/plaintiff come forward with these petitions.

7) As already discussed above, this is not a new document. It is already marked as Ex.A1 and now the document produced along with I.A.No.9/2024 is containing two pages instead of one page in Ex.A1.

8) The 1st respondent / 1st defendant has every opportunity to object the document at the time of marking



WEB COPY



C.R.P(MD)Nos.2394 to 2396 of 2024

the same through P.W.1. The admissibility of document or otherwise will be decided at the time of pronouncing judgment after hearing the arguments of both sides.”

In my view the reasons set out by the Court below are sound. In any event, there is no perversity. Interference under Article 227 of the Constitution of India is not warranted.

5.These Civil Revision Petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

30.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

The Principal District Court,
Tuticorin.



WEB COPY



C.R.P(MD)Nos.2394 to 2396 of 2024

G.R.SWAMINATHAN, J.

MGA

C.R.P(MD)Nos.2394 to 2396 of 2024
and
C.M.P(MD)No.13516 of 2024

30.09.2024