



CRP.No.451 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.B. BALAJI

CRP.No.451 of 2025

and

CMP.No.2684 of 2025

M/s. Padmashree Engineering,
Rep. by its Sole Proprietor Mr.Paramasivam,
86/1-A, NA, Vilankurichi Road,
Ramakrishna Puram, Ganapathy Post,
Coimbatore, Tamil Nadu – 641 006.

...Petitioner

Vs.

1. M/s. Yazhini Yarn Mills,
Rep. by its Proprietor Mr.K.Murugesan,
124/2, Eranapuram (Post), Namakkal,
Tamil Nadu – 637 003.
Also at: 176B/1, Thiruchengode Road,
Namakkal, Tamil Nadu – 637 001.

2. K.Murugesan

...Respondents

Civil Revision Petition filed under Article 227 of Constitution of India, to set aside the fair and decreetal order dated 22.01.2025 made in I.A.No.2 of 2024 in C.O.S.No.58 of 2024 on the file of the Commercial Court (District Judge Cadre), Coimbatore and allow the CRP.



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For Petitioner : Mr.R.Bharath Kumar

For Respondents : Mr.T.L.Thirumalaisamy

ORDER

This revision petition has been filed challenging the order dated 22.01.2025 made in I.A.No.2 of 2024 in C.O.S.No.58 of 2024 on the file of the Commercial Court (District Judge Cadre), Coimbatore, in and by which the request for amendment of the plaint, at the end of the plaintiff, has been rejected.

2. Learned counsel for the petitioner, taking me through the proposed amendments and also the order of the Commercial Court granting permission to file additional documents and the fact that the invoice dated 21.09.2019 which is sought to be introduced in the list of documents has already been exhibited by the defendants, would contend that the trial Court has clearly fell in error in refusing to allow the amendment application.



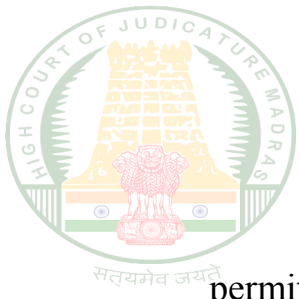
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3. The primordial contention of the learned counsel for the petitioner is that the plaintiff only wanted to clarify the calculations that have been set out incorrectly in the plaint and ultimately there being no change in the suit claim, the trial court should have liberally construed the prayer for amendment instead of dismissing the same.

4. Learned counsel for the petitioner also took me through each and every amendment that has been proposed to be carried out in the plaint and explained the necessity of the said amendments.

5. Per contra, the learned counsel for the respondents/defendants submits that, insofar as the document No.7 is concerned, having not filed the said document along with the plaint, it is not open to the plaintiff to introduce the said document in the list of documents, without the leave of the Court. Insofar as the 6th amendment where the plaintiff wants to correct the amount of Rs.4,72,55,200/- as Rs.2,01,00,000/-, the learned counsel would contend that the same would amount to withdrawal of a clear admission in favour of the defendants and the same cannot be



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permitted. As regards the amount of Rs.1,50,000/-, which is sought to be claimed towards miscellaneous expenses paid by the plaintiff to the defendants, it is the specific contention of the learned counsel for the respondents that the said claim is hopelessly barred by limitation and beyond the period of three years and therefore, the same cannot be entertained. As regards the 1st amendment, it is contended that once the document No.7 is not permissible to be included in the list of documents, the said proposed amendment will also not be maintainable.

6. I have carefully heard the arguments advanced by the learned counsel for the petitioner as well as the respondents and I have also perused the materials available on record.

7. The Suit has been filed before the Commercial Court (District Judge Cadre), Coimbatore in C.O.S.No.58 of 2024 for recovery of money as against the respondents/defendants. The plaintiff has claimed a total sum of Rs.1,17,27,099/- towards principal amount due and payable from the defendants, together with interest at 24% per annum. By seeking the amendments that are subject matter of the amendment application, the



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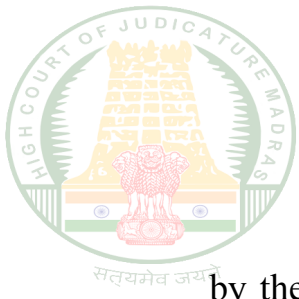
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plaintiff does not seek to modify the suit claim and what is sought to be done by seeking amendment is only to clarify as to how the said figure of Rs.1,17,27,099/- is arrived at.

8. When the plaintiff wants to provide better and proper particulars justifying the suit claim that has already been made, I do not find how any serious prejudice is caused to the respondents/defendants.

9. With regard to the claim of Rs.1,50,000/- being time barred, though on the face of the submission, the contentions of the learned counsel for the respondents appears to be attractive, when the suit claim of Rs.1,17,27,099/-, which according to the plaintiff already factors the said sum of Rs.1,50,000/-, I do not see any introduction of a new claim, warranting such claim to be rejected as time barred.

10. With regard to the admission of the plaintiff that the defendants/respondents have already paid a sum of Rs.4,72,55,200/-, which is now sought to be amended and reduced to Rs.2,01,00,000/-, it is again the correct amount, which according to the plaintiff, has been paid



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by the defendants and the calculation furnished by the plaintiff justifies the final suit claim that has already been made against the defendants, to which no amendment is sought for.

11. However, the fact remains that in the plaint, the plaintiff has categorically asserted that a sum of Rs.4,72,55,200/- has been paid by the defendants on different dates through bank transfer. Therefore, it is a matter which can be easily proved.

12. In view of the above, it would suffice to give liberty to the defendants to establish that they have repaid a sum of Rs.4,72,55,200/-, de hors, the amendment permitted to substitute the said amount with Rs.2,01,00,000/-.

13. As regards introduction of the document, I find force in the arguments advanced by the learned counsel for the respondents. If any new document is sought to be introduced by the plaintiff and the same has not been filed originally along with the plaint, then it can be done only after obtaining leave.



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14. Admittedly, no separate application has been taken out by the plaintiff, excepting for introducing the said document in the amendment application. However, as contended by the learned counsel for the petitioner, the very same document is already before the Court, exhibited by the defendants. In the light of the above, I do not see this amendment would be necessary, since the document is already a part of the record.

15. In view of the above, the amendments, excepting 1 and 7 are allowed and the defendants shall have a right to lead evidence to establish that the amounts repaid by the defendants are Rs.4,72,55,200/- and not Rs.2,01,00,000/-.

16. Though amendments 1 and 7 are not being permitted, the Profoma invoice dated 21.09.2019 which has been exhibited on the side of the defendants shall be considered by the trial court while adjudicating the issues.



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17. The plaintiff shall carry out necessary amendments within a period of two weeks from the date of receipt of a copy of this order and thereafter, the defendants shall have further two weeks to file an additional written statement.

18. With the above observations and directions, this Civil Revision Petition stands allowed in part. No costs. Consequently, the connected Miscellaneous petition is closed.

21.08.2025

skt

Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No

To

The Commercial Court (District Judge Cadre),
Coimbatore.



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P.B. BALAJI, J.

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