



C.R.P.No.674 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P.No.674 of 2025

C.M.P.No.3817 of 2025

P.Afroze Ahmed

...Petitioner

Vs

York Shoe Private Limited

Represented by its Director G.T.Mahesh Kumar

No.21, Subbarayan Street,

Nungambakkam, Chennai – 600 034

...Respondent

PRAYER :- Civil Revision Petition is filed under Article 227 of the Constitution of India, pleaded to set aside the Fair and Decreetal order passed in IA No.5 of 2024 in C.O.S.No.39 of 2023 dated 22.11.2024 passed by the Principal Judge on the file of Principal Commercial Court at Egmore, Chennai and allow the CRP.

For Petitioner : Mr.K.Mohanamurali

ORDER

Challenging the order passed in interlocutory application in I.A.No.5 of 2024 in C.O.S.No.39 of 2023, the plaintiff is before this Court.



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2.The brief facts that has led to the filing of the Civil Revision Petition is herein below set out and parties are referred to in the same ranking as before the trial Court.

The plaintiff had filed C.S.No.181 of 2018 on the file of the original side of this Court which was later transferred to Commercial Court, Egmore and renumbered as C.O.S.No.39 of 2023. The suit was filed for recovery of a sum of Rs.75,82,661/- with future interest at 24% per annum. The plaintiff would submit that the above payments were due towards the purchase orders placed by the defendant upon the plaintiff. The plaintiff would submit that purchase orders were placed for the period April 2017 to December 2017 for which the plaintiff had supplied the goods. The defendant had also entrusted a job work of conversion of leather to the plaintiff which had also been completed. The amounts due towards the above has not been paid and therefore the plaintiff has come forward with the suit in question.

3.The defendant had filed a written statement *inter alia* denying the claim of the plaintiff. The case of the defendant is that they had approached the plaintiff for the supply of best quality leather at competitive price as the defendant was engaged in the business of

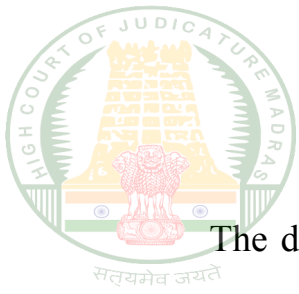


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manufacturing shoes and exporting the same. The defendant would submit that the plaintiff started mixing quality leather with sub standard leather, as a result of which the ultimate products manufactured by the defendant was rejected and the defendant had suffered loss. The supply of this substandard material was done with the active collusion of one of the employees of the defendant company. The defendant would submit that the plaintiff is the only creditor who has not been repaid by the defendant company since the plaintiff has played fraud and cheated the defendant. In the last one year plaintiff had supplied defective and substandard material which had to be returned for replacement. The plaintiff would further submit that as against the defective stock worth Rs.23,52,025 which was to be replaced by the plaintiff, the defendant had only received goods worth Rs.12,46,940/- and the balance of Rs.11,05,085 is yet to be supplied. Therefore, the defendant had raised debit note on 18.11.2017 for the aforesaid sum of Rs.11,05,085/-.

4. When the matter was posted for evidence the defendant had come forward with I.A.No.5 of 2024 to receive certain documents to show the nexus between their ex-employee Shankarakumar and the plaintiff. The defendant would submit that they were not aware of these details earlier.



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The defendant had filed a written statement setting out that substandard leather had been supplied to the defendant by plaintiff colluding with the employee defendant company. Therefore, to substantiate his case, the documents are required.

5.The plaintiff has filed a counter statement *inter alia* contending that the said application has been filed when the matter is posted for defendant's evidence. The defendant was absent for over five hearings and were set *ex-parte* and the case was posted for arguments. On behalf of the plaintiff, arguments had been advanced and at this juncture I.A.Nos.2 and 3 of 2023 was filed to reopen and recall D.W.1, which was allowed on 21.12.2023 and D.W1 was examined in cross on 21.07.2024 and 27.07.2024. Thereafter, I.A.No.4 of 2024 was filed to recall D.W.1's evidence which was closed on 12.09.2024 and the same is pending. The defendant had come forward with this affidavit and no reasons have been given as to why the same was not filed at the earliest point in time. The learned Principal Judge, Principal Commercial Court, Egmore, Chennai, heard the arguments and perusing the brief pleadings and proceeded to allow the application, challenging the same, plaintiff is before this Court.



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6.Heard Mr.Mohanamurali, the learned counsel for the petitioner
and perused the records.

7.The defence taken by the defendant even in their written statement was that they was supplied substandard quality leather by the plaintiff and this was possible only on account of the collusion between an employee of the defendant and the plaintiff. It also appears that the plaintiff has filed a complaint against the said Shankarakumar which according to the defendant would go a long way in substantiating their allegation that this employee has colluded with the plaintiff to supply substandard quality. The learned Principal Judge, Principal Commercial Court, Egmore, Chennai, has considered the above factor and allowed the application and I see no reason to interfere with the same. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking Order/Non Speaking Order
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P.T.ASHA, J,

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To

The Principal Commercial Court at Egmore, Chennai.

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