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C.R.P.No.819 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.No. 819 of 2025

&

C.M.P.No. 4837 of 2025

S.Prasanna

...Petitioner

Vs.

Mahesh Daisy

...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India against the order dated 02.12.2024 passed by the Principal Commercial Court at Egmore, Chennai in IA.No.2 of 2024 in COS.No.297 of 2023.

For Petitioner : Mr. K.Elangoo



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ORDER

Challenging the order passed by the Principal Judge, Principal Commercial Court, Egmore, dismissing the plaintiff's application for receiving additional documents, the plaintiff is before this Court.

2. The suit COS.No.297 of 2023 had been filed by the plaintiff for directing the defendant to refund the sum of Rs.1,91,689/- together with interest at 6% per annum from the date of the plaint till realisation, to direct the defendant to pay Rs.5,00,000/- for damages to the plaintiff and to direct the defendant to pay Rs.5,00,000/- for causing mental agony and stress to the plaintiff.

3. The plaintiff's case is that he had entered into an agreement to purchase the ongoing business of the defendant, but unfortunately the defendant cheated him as a result of which the plaintiff had suffered a huge loss. Due to this circumstances, the plaintiff had failed to make



payment under the said agreement. The defendant had barged into the office premises of the petitioner on 05.02.2021 and threatened and tried to beat the plaintiff.

4. A police complaint was lodged by the plaintiff. The defendant had also given a police complaint. The defendant also tried to extract money by giving a police complaint for the breach of agreement and also sending goons to recover money. Therefore, the petitioner filed another complaint on 22.12.2021. The plaintiff would submit that on account of the activities of the defendant he had suffered great stress and could therefore not file the documents immediately. Therefore, the plaintiff would seek to condone the delay and receive the documents.

5. The respondent / defendant would on the other hand submit that it is a clear case of abuse of power. The additional documents which are sought to be filed have no relevance to the present suit and is only an attempt to drag on the proceedings.



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6. The learned Trial Judge on considering the arguments and records held that since the suit in question is a commercial suit it is the duty of the plaintiff to place all the documents on record at the time of the filing of the suit or before the time limit prescribed under Order XI of the CPC. The only reason given in the condone delay petition is stress. That apart, the application is moved after the cross examination of PW1. Therefore, the application was dismissed.

7. Heard the learned counsel for the petitioner.

8. A perusal of the affidavit filed in support of the said application does not give any reason for submitting these documents.

The only statement made in paragraph No.4, is extracted herein below:

“4.I submit that due to the said false complaints and threat and consequent police enquiries with the police I was put into stress and depression. As a result I could not file the additional documents at the time of filing the



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above suit. It is necessitated for the petitioner / plaintiff to mark these additional documents to contest the above suit. The delay in filing the said additional documents is neither will nor wanton.”

9. The petitioner / plaintiff has filed the suit seeking compensation for the business loss, refund of a sum of Rs.1,91,689/- with interest, a sum of Rs.5,00,000/- towards damages to the plaintiff and Rs.5,00,000/- towards mental agony and stress. The plaintiff states that for 15 months from January 2019 to March 2020, the business turnover was just Rs.4,18,143/-. This would clearly show that there is no gain for the plaintiff. The plaintiff has paid a sum of Rs.9,24,500/- on various dates which could be adjusted against stocks and fixed assets. After deducting the expenses for dismantling, erection and depreciation the plaintiff has to pay the defendant Rs.7,32,811/- only, however, the plaintiff has paid Rs.9,24,500/-. Therefore, the defendant is bound to refund Rs.1,91,689/- along with damages.



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10. The documents that are now sought to be marked are the bank statements, GST forms and cancellation of registration, all of which does not find any reference in the plaint in the form of pleadings.

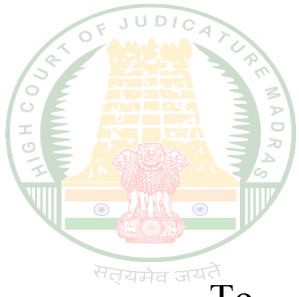
11. Therefore, the learned Judge, Principal Commercial Court, Egmore, Chennai, has rightly dismissed the application stating that the same has no relevance to the suit on hand. That apart, the application has been moved after the cross examination of PW1.

12. Therefore, the Civil Revision Petition is dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

03.03.2025

Index : Yes/No
Internet : Yes/No

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To
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The Principal Judge,
Principal Commercial Court,
Egmore,
Chennai.



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P.T. ASHA, J,

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