



WEB COPY

CRP. PD. Nos.1975, 1976 & 2760 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:14.07.2025

Pronounced on:01.08.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. PD. Nos.1975, 1976 & 2760 of 2025
and CMP. Nos. 11372, 11368 & 15571 of 2025**

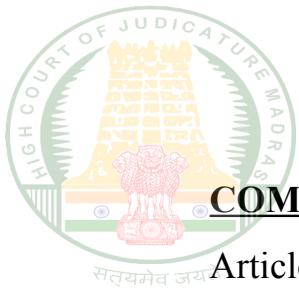
M/s.Simplex Infrastructures Limited,
No.82-83, Nehru Palace,
“Vaikunth” 2nd Floor, New Delhi-110 019.

Petitioner in all CRPs

Vs

- 1.M/s.Global Engineering,
Rep. By Authorized Signatory,
Mr.Huzefa Chhagan,
New No.258, Old No:193,
Linghi Chetty Street,
Chennai – 600 001.
- 2.M/s.Glotech Engineering Private Limited,
Rep. By Authorized Signatory,
Mr.Huzefa Chhagan,
New No.258, Old No.193,
Linghi Chetty Street, Chennai – 600 001.
- 3.M/s.Techno Traders,
Rep. By Atuhorized Signatory,
Mr.Huzefa Chhagan,
New No.258, Old No.193,
Linghi Chetty Street, Chennai – 600 001.

Respondents in all CRPs



CRP. PD. Nos.1975, 1976 & 2760 of 2025

COMMON PRAYER: This Civil Revision Petitions are filed under Article 227 of the Constitution of India, to set aside the order dated 05.04.2025 passed in I.A. No.04, 03 & 02 of 2025 in C.O.S. No.1319 of 2022 on the file of the Additional Commercial Court, Egmore, Chennai.

For Petitioner : Ms.E.N.Hareepriya and
Ms.Varsha K.Sukumar in all CRPs

For Respondents : Mr.N.Surendar in all CRPs

COMMON ORDER

These Revisions have been filed by the defendant in Commercial Suit in C.OS. No.1319 of 2022, aggrieved by the order passed in Interlocutory Applications in I.A. Nos.2, 3 & 4 of 2025. The suit has been filed by the respondents herein for recovery of money.

2. I.A. No.2 of 2025 was filed for reopening the evidence of P.W.1, I.A. No.3 of 2025, was filed for recalling P.W.1 and I.A. No.4 of 2025 was filed to grant leave to file 18 documents, in addition to the exhibits already marked as Ex.A1 to Ex.A6. All the three Applications were enquired into together and the Commercial Court, by common order dated 05.04.2025 allowed the Applications on payment of costs of



CRP. PD. Nos.1975, 1976 & 2760 of 2025

Rs.2,000/- in each Applications to the defendant. (wrongly typed as plaintiff in the Common Order).

WEB COPY

3. I have heard Mr.Thriyambak J.Kannan and Ms.E.N.Hareepriya learned counsel for the petitioner in all the revisions and Mr.N.Surendar, learned counsel for the respondents 1 to 3 in all the revisions.

4. Admittedly, the suit has been filed for recovery of monies due and payable to the respondents/plaintiffs in respect of supply of hardware materials and construction tools. The suit was originally filed as a regular money suit and pending the suit, it was transferred to the Commercial Court and renumbered as a Commercial Suit.

5. After both the plaintiffs and the defendant let in evidence, oral and documentary, the suit was posted for arguments. At that stage, the respondents/plaintiffs preferred the above three Applications in order to mark additional documents. The said Applications were resisted by the revision petiitoner/defendant and ultimately, the Commercial Court



finding that no serious prejudice would be caused to the revision petitioner/defendant, if the Applications are allowed, proceeded to impose costs on the respondents and allowed the Interlocutory Applications.

6. The learned counsel for the revision petitioner would state that the order permitting receipt of documents and for such purpose reopening and recalling of P.W.1 was a result of total non application of mind. The learned counsel challenges the findings of the Commercial Court on the grounds that the Applications were filed belatedly, after closure of evidence and only in order to fill up lacunae; no reasons have been assigned for taking out the Applications belatedly; the Commercial Court failed to see that serious prejudice to the revision petitioner, would be caused by allowing the Applications, since the revision petitioner has extracted vital admissions in cross examination which are now sought to be nullified by production of additional documents; none of the objections of the revision petitioner have been dealt with in the Common Order; by granting permission, the Trial Court has virtually allowed a



denovo trial.

WEB COPY

7. Per contra, the learned counsel for the respondents would state that the suit was originally filed before the High Court and all these documents had been filed along with the plaint by way of typedset of papers. However, at the time of marking the documents, only a statement of account came to be marked, and the supporting documents were inadvertently omitted to be marked though available in the Court records. Subsequently, according to the leaned counsel for the respondents, the suit was transferred to the file of the Commercial Court and the omission was discovered only at the time of preparation for arguments. He would therefore state that no new documents are sought to be marked and therefore, no serious prejudice would be caused to the revision petitioner/defendant, if the order of the Commercial Court was upheld.

8. I have carefully considered the arguments advanced by the learned counsel on either side. I have gone through the affidavit filed in support of the Interlocutory Applications in I.A. Nos.2,3 & 4 as well as



the counter filed by the revision petitioner and the common order passed by the Commercial Court.

WEB COPY

9. Though it is contended before this Court by the learned counsel for the respondents that the documents which are sought to be produced were already filed by way of typed set even before this Court, prior to the suit being transferred, I am unable to see from the affidavit filed in support of the Interlocutory Applications that there is even a whisper about all these facts. The only paragraph that speaks about the additional documents is one where the authorised signatory of the respondents states that the above documents are just and necessary for fair decision of the case and that the documents would disclose information to assess and reach the correct status and therefore, the Applications were to be allowed.

10. By way of counter, the respondents have opposed the Applications stating that no reasons have been assigned and therefore reasonable cause has not been shown and the Applications that had been



WEB COPY

filed after lapse of 8 years cannot be permitted for the mere asking. It is also stated that all the documents that are now sought to be introduced are related to invoices of the years 2010 to 2012 and the plaintiffs have not even prima facie established why the said documents could not be filed earlier or even stated that the said documents were not in their custody. It is contended by the revision petitioner that the rights and interest already accrued to the petitioner would be gravely prejudiced. Though I find a semblance of truth in the submissions of the learned counsel for the respondents that the documents were already available in the Court records and by mistake only the statement of account was filed and supporting invoices were not filed, however, this is not the reason on which the Applications were taken out before the Commercial Court.

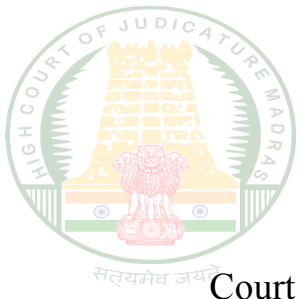
11. In Commercial Suits, the power available under Order XVIII, Rule 17 CPC or even Section 151 CPC cannot be used in a routine manner and unless the Applicant who seeks production of the additional documents has made out strong grounds for non production, by satisfactorily explaining the non production of documents earlier, the



WEB COPY

Applications should not be entertained. As already seen, absolutely no reasons have been assigned as to why the said documents were not produced earlier. The affidavit does not disclose even the fact that the documents were already produced by way of typedset before this Court, prior to the suit being transferred.

12. Further, the plaintiff has already entered the witness box and led oral and documentary evidence. The plaintiff's witnesses have been cross examined elaborately on the statement of accounts and even at that point of time, the plaintiffs have not chosen to realise their folly and immediately approach the Commercial Court seeking to produce the additional documents which were inadvertently omitted, stating that they were only to substantiate the statement of accounts. However, without doing so, the plaintiffs on the other hand even permitted the defendant to lead evidence and have also chosen to cross examine the defendant's witnesses. Thereafter, when the suit is posted for arguments, the present Applications, three in number, have been filed.



WEB COPY

13. The very object of the suits being taken up by the Commercial Court is for expeditious disposal of the suit. Therefore, the respondent ought to have been diligent and vigilant in seeking to produce documents which according to them, are proper and necessary for effective adjudication of the suit by the Trial Court.

14. Even the learned District Judge, Commercial Court has not even given a finding that the documents that are sought to be marked would be required by the Trial Court to adjudicate the suit claim. On the contrary, the Commercial Court has merely recorded that the plaintiffs have alleged that the documents are necessary to decide the issues involved in the suit and since the defendant would have an opportunity to cross examine the witness, no prejudice would be caused to the defendant and therefore, proceeded to allow the Applications.

15. In a Commercial Suit of this nature, when the plaintiff had ample opportunities to wake up to the reality that the invoices had not been filed, atleast, when P.W.1 was examined, cannot casually approach



the Court after conclusion of the trial and seek for permission to file additional documents. The reasoning that the interest of justice requires an opportunity to be given to the plaintiffs to put forth their case with necessary documents and the defendant would have an opportunity to cross examine the witness is not even a relevant consideration to entertain these Applications.

16. As rightly contended by the learned counsel for the petitioner, when the defendants have succeeded in extracting vital admissions in cross examination of P.W.1, with specific reference to these documents not being filed in support of the suit claim and moreso, in a Commercial Suit, the Commercial Court should not have applied the general laxity shown in the regular suits. The reasons which are argued by the learned counsel for the respondents are not even stated in the affidavit filed in support of the Applications before the Commercial Court. In such circumstances, I am unable to consider the contentions that are advanced for the first time in the revisions.



CRP. PD. Nos.1975, 1976 & 2760 of 2025

WEB COPY

17. In the light of the above, these Civil Revision Petitions are allowed and the impugned order of the Commercial Court dated 05.04.2025 passed in I.A. Nos.02, 03 and 04 of 2025 in COS. No.1319 of 2022 allowing documents to be received and for such purpose permitting reopen and recall of P.W.1 are liable to be set aside and accordingly set aside. Connected Miscellaneous Petitions are closed. No costs.

01.08.2025

rkp
Index : Yes
Internet : Yes
To:

The District Judge,
Additional Commercial Court,
Egmore, Chennai.



WEB COPY



CRP. PD. Nos.1975, 1976 & 2760 of 2025

P.B.BALAJI, J.,

rkp

Pre-delivery order in
CRP. PD. Nos.1975, 1976 & 2760 of 2025
and CMP. Nos. 11372, 11368 & 15571 of 2025

01.08.2025