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CRP. PD. Nos.3105, 3109 & 3111 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:21.07.2025

Pronounced on: 01.08.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

**CRP. PD. Nos.3105, 3109 & 3111 of 2025
and CMP. Nos.17388, 17400 & 17402 of 2025**

Fibox India Private Limited,
Gat No-147, A II & III,
Chakan Telegaon Road,
Near Rinder Automation,
A/P Mahalunge Taluka- Khed District,
Pune, Maharashtra
Represented by its Authorized Signatory,
Mr.Amardeep Singh

Petitioner in all CRPs

Vs

1.Geesys Technologies (India) Private
Limited, Old No.33A, New No.19/12,
Alandur Road, Near Gas Godown,
Saidapet, Chennai – 600 015
Tamil Nadu, India.

2.Mr.Kaliamoorthy Bharathiraja

3.Mr.Kaliamurthy Chellammal

Respondents in all CRPs

COMMON PRAYER: This Civil Revision Petitions are filed under
Article 227 of the Constitution of India, to set aside the Common Order



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dated 13.06.2025 passed in I.A. Nos.5, 6 & 7 of 2025 in C.OS.No.738 of 2022 and consequently, eschew the documents marked as Exhibit B-29 to B-111 on the file of the learned District Judge, Additional Commercial Court, Egmore, Chennai.

For Petitioner : Ms.Deepika Murali in all CRPs

For Respondents : Mr.T.Parthasarathy in all CRPs

COMMON ORDER

These revision petitions are at the instance of the plaintiff in C.O.S. No.738 of 2022, aggrieved by the common order dated 13.06.2025 in I.A. Nos.5, 6 and 7 of 2025.

2. I have heard Ms.Deepika Murali, learned counsel for the petitioner/plaintiff and Mr.T.Parthasarathy, learned counsel for the respondents/defendants.

3. The learned counsel for the petitioner, Ms.Deepika Murali would contend that the suit was filed in the year 2021 and after two years, in 2023, the plaintiff's evidence was over and the suit was posted for defendant's evidence. She would further stated that even as early as in



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August 2024, D.W.1 has examined and cross examined by the learned counsel for the plaintiff. After examination of D.W.1 in October 2024, and again in November 2024, an Application was filed by the defendants to receive additional documents. Both these Interlocutory Applications to receive additional documents in I.A. Nos.3 and 4 of 2024 were withdrawn with liberty to file fresh Applications. Subsequently, D.W.1 was further cross examined in February and March, 2025 and yet another Application in I.A. No.5 of 2025, was taken out by the respondents seeking to produce additional documents, pursuant to the liberty granted in I.A. Nos.3 & 4 of 2024. Two more Applications were filed to reopen and recall in I.A. Nos.6 & 7 of 2025. The said Applications were opposed. However, the Commercial Court has proceeded to allow all the Applications as against which, these revisions have been preferred.

4. The learned counsel for the petitioner would further contend that none of the objections that were raised by the revision petitioner have been considered by the Commercial Court and the Commercial Court also failed to see that the documents were sought to be marked



without even a certificate under Section 63(4) of the Bharatiya Sakshaya

Adhiniyam, 2023 (BSA). She would therefore pray for the common order

passed in the three Interlocutory Applications could be set aside.

5. The learned counsel for the petitioner has relied on the following decisions in favour of his contentions:

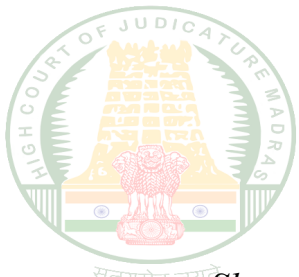
(i) *Ambalal Sarabhai Enterprises Limited Vs. K.S.Infraspace LLP and Another*, reported in (2020) 15 SCC 585;

(ii) *Entertainment Network (India) Ltd Vs. HT Media Limited*, reported in (2022) SCC ;

(iii) *Bela Creation Private Limited Vs. Anuj Textiles*, reported in (2022) SCC Online Del 1366;

(iv) *Zee Entertainment Enterprises Limited Vs. Saregama India Limited*, reported in (2019) SCC Online Del 10215;

(v) *Eicore Technologies Private Limited and others Vs. Eexpedise Technologies Private Limited and others*, reported in (2024) SCC Online Del 7536;



(vi) *Vadiraj Naggappa Vernekar (Dead) through Lrs Vs.*

Sharadchandra Prabhakar Gogate, reported in (2009) 4 SCC 410;

(vii) *K.K.Velusamy Vs. N.Palanisamy*, reported in (2011) 11 SCC

275;

(viii) *Bagai Construction through its Proprietor Lalit Bagai Vs.*

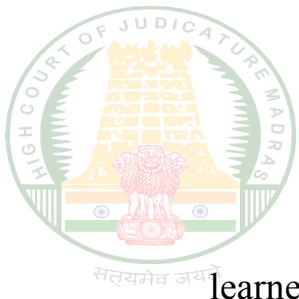
Gupta Building Material Store, reported in (2013) 14 SCC 1;

(ix) *Arjun Panditrao Khotkar Vs. Kailash Kushanrao Gorantyal*

and others, reported in (2020) 7 SCC 1; and

(x) *Gayathri Vs. M.Girish*, reported in (2016) 14 SCC 142.

6. Per contra, learned counsel for the respondents would state that only in view of the liberty granted while disposing of the Interlocutory Applications in I.A. Nos.3 and 4 of 2024, by orders dated 21.01.2025 and 29.01.2025, the present Applications have been taken out and therefore, the revision petitioner cannot object to receipt of the said documents. He would further state that the Commercial Court has rightly entertained the Applications and the common order does not require any interference, especially when the prejudice caused to the revision petitioner has been compensated by way of costs of Rs.5,000/- being imposed.



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7. I have carefully considered the submissions advanced by the learned counsel for the petitioner and the respondents. I have also gone through the pleadings in the Commercial Suit and in the present Applications as well as common order dated 13.06.2025 passed by the Commercial Court allowing the Applications filed by the respondents subject to payment of costs of Rs.5,000/- .

8. As rightly contended by the learned counsel for the petitioner, the Applications have been taken out after the defendants' side evidence came to be closed on 04.03.2025 and the suit was posted for arguments. In the affidavit filed in support of the Application to receive additional documents as many as 83 documents were sought to be introduced after trial has concluded. Except for stating that the additional documents are essential for the defendants to prove their case, no acceptable reasons have been assigned for not filing these documents earlier.

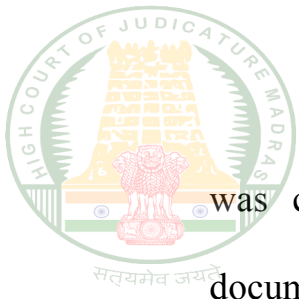
9. The case of the respondent stands on a worse footing in the present case, since even earlier, an Application was taken out by the



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respondents for receiving and marking additional documents in I.A. No.1 of 2024. The said Application was allowed and thereafter, D.W.1 was also examined, subsequently, as pointed out by the learned counsel for the petitioner, I.A. Nos.3 & 4 of 2024 were again taken out by the defendants for introducing additional documents. Both these Applications were withdrawn on 21.01.2025 and 29.01.2025 with liberty to file fresh Applications. Thereafter, D.W.1 has been subjected to cross examination on two hearing dates viz., 06.02.2025 and 04.03.2025 and evidence was also closed on the side of the defendants. Though liberty was granted, the defendants did not avail of the opportunities to produce any additional documents. However, when the suit was posted for arguments on 20.03.2025, the Applications in I.A. Nos.5, 6 & 7 have been taken out.

10. No reasons, leave alone satisfactory reasons have been set out in the affidavits in support of these applications as to why these voluminous number of documents were not produced earlier, especially when liberty was granted even one year back. The plaintiff's evidence



was closed even as early as on 08.03.2024 and therefore, if the documents numbering 83 are allowed to be received in evidence, it would seriously prejudice the interests and rights already accrued to the revision petitioner/plaintiff. The defendants had sufficient time to produce all these documents. Moreso, in a Commercial Suit, the laxity that may be shown to the parties in re-opening and recalling evidence and seeking production of additional documents in a regular suit cannot be shown in a routine manner. The Applicant who chooses to produce additional documents has to make out a strong prima facie case and set out acceptable reasons for non production earlier.

11. Considering that the earlier Application came to be allowed even in I.A. No.1 of 2024 and even then, the defendants have not availed of an opportunity to produce all relevant documents and subsequently, having filed two Applications in I.A.Nos.3 and 4 of 2024 and voluntarily withdrawing the said Applications with liberty and such liberty not being exercised diligently and after the suit is posted for the arguments, the defendants have come forward with the Applications to mark 83



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additional documents, without absolutely no reasonable cause being shown. The very object of the Commercial Courts Act, 2015 is to ensure an expeditious trial and disposal of the suits of commercial nature. Such repeated requests of the respondent, approaching the Court at their whims and fancies, seeking to introduce further documents, if accepted, then it would defeat the very object of the Commercial Courts Act.

12. In *Ambalal Sarabhai Enterprises's* case, (referred herein supra), the Hon'ble Supreme Court referring to the statement of objects and reasons of the Commercial Courts Act, 2015 and amendments to Civil Procedure Code and insertion of new Rules to the Code applicable to suits as commercial disputes held that the provisions of the Act required to be strictly construed and liberal interpretation cannot be given as it would defeat the objects of the Act.

13. In *Bela Cretations Private Limited's* case and *Zee Entertainment Enterprises Limited's* case, (referred herein supra), the Delhi High Court held that under Order XI Rule 1(10) of CPC,



“Reasonable cause” cannot extend to negligence in filing of documents and it should be necessarily shown by the Applicant that a cause was outside the control of the Applicant and same prevented the Applicant from filing of the documents along with the pleadings.

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14. In *Eicore Technologies Private Limited's* case, (referred herein supra) the Delhi High Court held that additional documents cannot be used in order to fill up the lacune.

15. In *Vadiraj Naggappa Vernekar's* case, (referred herein supra), the Hon’ble Supreme Court held that provisions of Order XVIII, Rule 17 of CPC, recalling witnesses was enacted only to enable the Court trying a suit to clarify doubts if any, with regard to the evidence led by the parties and the said provisions are not intended to be used to fill up the omissions in the evidence of witnesses who has already been examined.

16. In *K.K.Velusamy's* case, (referred herein supra), the Hon’ble Supreme Court held that Section 151 of CPC cannot be used for



reopening evidence or for recalling witnesses in a routine manner. In

Bagai Construction's case (referred herein supra), the Hon'ble Supreme

Court held that if liberal approach is adopted in dealing with

adjournments reopening and recalling witnesses, then it would defeat the

very purpose of the amendment to several provisions of CPC.

17. In *Gaythri's* case (referred herein supra), referring to *K.K.Velusamy's* case and *Bagai Construction's* case (referred herein supra), the Hon'ble Supreme Court reiterated that unnecessary adjournments should not be granted and Application under Order XVIII Rule 17 CPC should not be entertained unless the acceptable reasons were assigned.

18. On a conjoint consideration of the ratio laid down by the Hon'ble Supreme Court as well as the Delhi High Court, the above referred cases, it is clear that in Commercial Suits, the Court has to adopt a strict and not liberal approach in dealing with Applications for reopening and recalling witnesses and also to receive additional



documents. On the facts of the present case, as I have already discussed, the respondents were permitted to bring on record additional documents even after conclusion of evidence on the side of the plaintiff and thereafter, the defendant witness has also entered the witness box and submitted himself to cross examination as well and at no point of time, these 83 additional documents were sought to be received. Though attempts have been made for receiving additional documents, the Applications were also withdrawn and not followed up immediately and diligently.

19. For all these reasons, I am not able to sustain the order of the Commercial Court, allowing the Applications on payment of costs of Rs.5,000/-. The right accrued to the revision petitioner would be taken away, if the additional documents are allowed to be received at this belated stage and therefore, serious prejudice would be caused to the revision petitioner. The Commercial Court ought not to have allowed the Applications stating that interest of justice requires to provide an opportunity to the defendants to putforth their case. The consideration in



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entertaining such Applications in Commercial Suits has to be more rigid and as already stated above, a laxity cannot be shown to the Applicants especially when the Applications did not even make out a strong case for not production of the documents at the earliest point of time.

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20. For all the above reasons, these Civil Revision Petitions are allowed. The common order passed in I.A. Nos.5, 6 & 7 of 2025 in C.OS.No.738 of 2022 passed by the learned District Judge, Additional Commercial Court, Egmore is set aside. Consequently, connected Miscellaneous Petitions are closed. No costs.

01.08.2025

rkp

Index : Yes / No

Internet : Yes / No

To:

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



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P.B.BALAJI, J.,

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Pre-delivery order in
CRP. PD. Nos.3105, 3109 & 3111 of 2025
and CMP. Nos.17388, 17400 & 17402 of 2025

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