



C.R.P.No.3910 of 2025

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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 08.09.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**C.R.P.No. 3910 of 2025**

**and**

**C.M.P.No. 20560 of 2025**

Mr.N.Vetha Vishakan  
Managing Director,  
Shri Varsha Auto Agencies Private Limited,  
11, S.F-1, Parsan Antara,  
Nanjundapuram Road, Ramanathapuram,  
Coimbatore – 641036.

..Petitioner

Vs.

Mr.T.P.Sathish Immannuvel  
S/o Thangadurai,  
Director, K.R.Marketters,  
No.139/1C, V.C.V.Street,  
Vellakinar Village,  
Coimbatore – 641304.

..Respondent

**PRAYER:** Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the impugned order dated 23.07.2025 made in I.A.No.4 of 2025 in C.O.S.No.3 of 2025 on the file of the Commercial Courts (District Judge Cader), Coimbatore.



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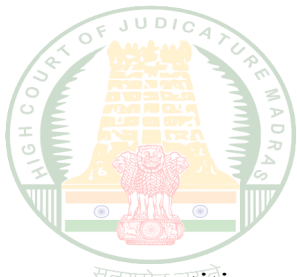
For Petitioner : Mr.A.Parthasarathy for  
M/s.A.Parthasarathy and Associates

For Respondent : Mr.P.Saravanan

### **ORDER**

Unsuccessful plaintiff has preferred this civil revision petition. The revision petitioner / plaintiff has filed a commercial suit seeking the relief of recovery of a sum of Rs.40,73,991/- with interest at 18% per annum from the date of filing of the suit, till realization.

2. The respondent / defendant has filed written statement. Thereafter, necessary issues were also framed by the Commercial Court. On the side of the plaintiff, 5 witnesses were examined and 11 documents were marked. The plaintiff's side evidence came to be closed and thereafter, on the side of the defendants, two witnesses have been examined. The defendant's side evidence also came to be closed and the matter was posted for arguments of either side. At this stage, the plaintiff has chosen to file an application under Order 11 Rule 1(5) of the Commercial Courts Act to condone the delay and seeking leave to file additional documents. Upon hearing either side, the Court below has dismissed the application. Aggrieved over the same, the plaintiff has instituted this civil revision



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petition.  
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3. The learned counsel appearing for the revision petitioner would submit that some of the datas were retrieved from the software and the same has to be placed as an additional documents / evidence and the said documents are just and necessary to establish the case of the revision petitioner / plaintiff. The retrieved datas, which are submitted as an additional documents are the turnover particulars pertaining to the year 2021-2024 and the E-mail communications between the plaintiff's company and the defendant. The learned counsel appearing for the petitioner would submit that opportunity may be provided to the revision petitioner to establish his case by admitting to file additional documents unless, hardship would be caused to the petitioner / plaintiff. The learned counsel to strengthen his contentions, he has relied upon the judgment of the Hon'ble Supreme Court in ***Sugandhi (dead) by Lrs. & Another Vs. P.Rajkumar*** made in ***Civil Appeal No.3427 of 2020***.

4. Per contra, learned counsel appearing for the respondent would submit that on 15.07.2025 itself, the counsel for the petitioner / plaintiff has represented



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that the petitioner has to file some documents before the Court thereafter, on 21.07.2025, in the last minute, a petition came to be filed to receive additional documents. The learned counsel for the respondent would submit that filing such application is only to prolong the proceedings and, the reasons stated by the petitioner / plaintiff are not admissible as they stated that they tried to recover data from old software and whole statement is not generated in the software and that the bills only generated. It is further submitted that the records / ledgers were not even produced at the time of filing of the suit and the reasons stated by the revision petitioner is not attracted under provision of Order 11, Rule 1(5) of the Commercial Courts Act. It is seen from the records that the plaintiff as chosen to file an application under Order 11, Rule 1(5) of the Commercial Courts Act seeking leave to file additional documents. It is relevant to extract the Appendix-I, and it reads as follows:-

*“APPENDIX-I*

*STATEMENT OF TRUTH*

*(Under First Schedule, Order VI- Rule 15A and Order XI- Rule 3)*



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*I ----- the deponent do hereby solemnly affirm and declare as under:*

*1. I am the party in the above suit and competent to swear this affidavit.*

*2. I am sufficiently conversant with the facts of the case and have also examined all relevant documents and records in relation thereto.*

*3. I say that the statements made in -----paragraphs are true to my knowledge and statements made in -----paragraphs are based on information received which I believe to be correct and statements made in ---paragraphs are based on legal advice.*

*4. I say that there is no false statement or concealment of any material fact, document or record and I have included information that is according to me, relevant for the present suit.*

*5. I say that all documents in my power, possession, control or custody, pertaining to the facts and circumstances of the proceedings initiated by me have been disclosed and copies thereof annexed with the plaint, and that I do not have any other documents in my power, possession, control or custody.*

*6. I say that the above-mentioned pleading comprises of a total of ---- pages, each of which has been duly signed by me.*

*7. I state that the Annexures hereto are true copies of the documents referred to and relied upon by me.*

*8. I say that I am aware that for any false statement or concealment, I shall be liable for action taken against me under the law for the time being in force.*

*Place:*

*Date:*

*DEPONENT*

**VERIFICATION**

*I, ..... do hereby declare that the statements made above are true to my knowledge.*

*Verified at [place] on this [date]*

*DEPONENT. ".J"*

5. A perusal of the declaration, an oath shall be made part of the plaint and, the plaintiff has to declare on oath all documents in its power, possession, control or custody, pertaining to the facts and circumstances relied upon therein have been disclosed and copies thereof should be annexed along with plaint and that he does



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not have any other documents in its power, possession, control or custody, pertaining to the proceedings initiated and relied upon by him. Therefore, the reason stated by the revision petitioner / plaintiff has to comply with as mandated under Order 11, Rule 1 for the plaintiff to disclose and produce all the documents in his power, capacity, control or custody.

6. It is pertinent to mention that the additional documents can be permitted to bring on record with the permission of the Court as provided under Order 11, Rule 1(4). At the time of filing, the plaintiff has not specifically stated any reason, which is mandatory under Order, 11, Rule 1(4) CPC for belatedly filing the documents. After completion of the trial and after examination of the witness on both side, the present application came to be filed without assigning the reasons as required under Order 11, Rule 1(5) of CPC. Hence, this Court finds no reason to interfere with the order impugned in this petition.

7. This Civil Revision Petition is therefore, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**08.09.2025**



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Speaking (or) Non Speaking Order  
Neutral Citation: Yes/No

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To

The Commercial Courts,  
District Judge Cader,  
Coimbatore.

**M.JOTHIRAMAN, J.**

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