



C.M.P.No.24125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.09.2025**

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **MUMMINENI SUDHEER KUMAR**

C.M.P.No.24125 of 2024

in

Appeal(CAD)No.23 of 2024

1. M/s.Duo Plus Marketing
Rep. by its Proprietor
Mrs.R.R.Vijayalakshmi

2. Mrs.R.R.Vijayalakshmi

... Petitioners

Vs.

M/s.Inarco Private Limited
Rep. by its Branch Accountants / Authorised Signatory
Mr.C.Ramani Kanth
D.No.B2-801, 8th Floor
B2 Wing, Marathon Innova
Opp. to Peninsula Corporation Park,
Off Ganapatrao, Kadam Marg
Lower Parel, Mumbai - 400 013
Place of Business
D.No.658, Central Studio Compound
Trichy Road, Singanallur
Coimbatore - 641 005.

.. Respondent

Civil Miscellaneous Petition filed under Order XIII Rule 9 of CPC read with Order II Rule 4(14) of AS Rules, praying to direct the Registry of this Hon'ble Court to return the original copy of the Judgment and



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Decree dated 20.03.2024 in C.O.S.No.228 of 2023 on the file of the Commercial Court (Senior Civil Judge CAdre), Coimbatore filed in the present appeal.

For petitioners : Mr.A.Venkatesh Kumar
M/s.Ravi Law Chambers (Law Firm)

ORDER

(Order of the Court was made by **M.SUNDAR, J.,**)

When the captioned appeal was listed before a Hon'ble Division Bench, to which one of us [M.Sundar, J] was a party, an order dated 06.08.2024 was made and the same reads as follows:

'IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2024

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

Appeal (CAD) No.23 of 2024

and

C.M.P.No.13730 of 2024

in

Appeal (CAD) No.23 of 2024

1.M/s.Duo Plus Marketing,

Rep by its Proprietor,

R.R.Vijayalakshmi,

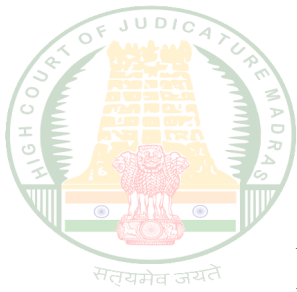
D.No.2/550/23, Ambigai Nagar,

1st Street, Goamthipuram, Madurai-625020.

2.R.R.Vijayalakshmi

... Petitioners

Vs.



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C.M.P.No.24125 of 2024

*M/s.Inarco Private Limited,
Rep. By its Branch Accountants/Authorised Signatory
C.Ramani Kanth
D.No:B2—801,8th Floor, B2 Wing, Marathan Innova,
Opp. To Peninsula Corporation Park, Off Ganapatrao,
Kadam Marg,
Lower Parel, Mumbai-400013,
Place of Business:
D.No.658, Central Studio Compound,
Trichy Road, Singanallur,
Coimbatore-641 005.*

... Respondents

Appeal (CAD) filed under Section 13 of Commercial Court Act r/w under Section 96 of Civil Procedure Code praying to set aside the judgment and decree dated 20.03.2024 passed in C.O.S.No.228 of 2023 on the file of the Commercial Court (Senior Civil Judge Cadre) Coimbatore.

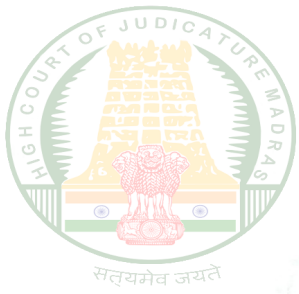
For Petitioners : Mr.R.Sanjeev

ORDER

*[Order of the Court was made by **K.GOVINDARAJAN THILAKAVADI, J.,**]*

The captioned appeal is filed before this Court assailing the judgment and decree dated 20.03.2024 passed in C.O.S.No.228 of 2023 on the file of the Commercial Court (Senior Civil Judge Cadre) Coimbatore.

2.In continuation of the earlier proceedings dated 30.07.2024 of this Court, today, Mr.R.Sanjeev, of M/s.Ravi Law Chambers (Law Firm) seeks leave of this Court to withdraw the captioned appeal with liberty to present it before the appropriate forum. A scanned reproduction of the earlier proceedings dated 30.07.2024 is as follows:



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01/03

Appeal(CAD) No 23 of 2024

Appeal(CAD) No.23 of 2024
and C.M.P.No.13730 of 2024
in
Appeal(CAD) No.23 of 2024

M.SUNDAR, J.,

and

K.GOVINDARAJAN THILAKAVADI, J.,

[Order of the Court was made by M.SUNDAR, J.,]

When the matter was taken up, it was pointed out that after 03.05.2018 amendment to 'the Commercial Courts Act, 2015 (4 of 2016)' [hereinafter 'CCA' for the sake of brevity] and notification by this Court (Madras High Court), Commercial Court (District Judge Cadre) exercises Appellate jurisdiction also but a pecuniary limit has been prescribed. It is to be noted that in the case on hand, value of appeal is Rs.13,47,685/- according to memorandum of valuation, the question is whether the captioned appeal would lie to this Court (Commercial Appellate Division) or to the Commercial Court (District Judge Cadre), Coimbatore.

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M.SUNDAR, J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,

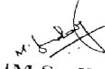
mk

2. Faced with the above situation, Mr.Ravi, learned Senior Advocate instructed by Mr.A.Venkatesh Kumar, learned counsel of M/s.Ravi Law Chambers (Law Firm) on behalf of appellants requested for a short accommodation to examine the position and revert to this Court. Request acceded to.

3. List under the cause list caption 'ADJOURNED ADMISSION' but in the Admission Board i.e., Motion List one week hence.

List on 06.08.2024.

mk


[M.S., J]
[K.G.T., J]
30.07.2024

Appeal(CAD) No.23 of 2024
and C.M.P.No.13730 of 2024
in Appeal(CAD) No.23 of 2024

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3.As stated above in the earlier proceedings, after amendment to The Commercial Courts Act, 2015 (Act 4 of 2016) dated 03.05.2018 and notification by High Court of Madras, the Judicial Officer in the Cadre of District Judge, exercises Appellate jurisdiction up to the pecuniary limit of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) arising out from the judgment and decree of the Sub Court. The learned counsel for the appellant submitted that, being under the impression that the appeal against the judgment and decree of the Commercial Court in the Cadre of Sub Judge, has to be filed before this Court, inadvertently preferred the appeal before this Court. Hence, seeks permission to withdraw the captioned appeal with liberty to present it before the appropriate forum. Accordingly, the learned counsel made endorsements to that effect.

4.The scanned reproduction of the same is as follows:



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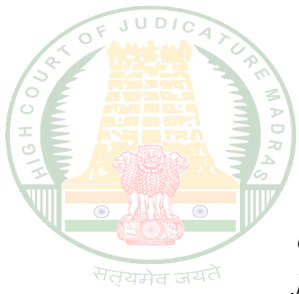
The Appeal may be permitted
to be withdrawn with liberty
to present it before the
appropriate forum.
R. Sanyal (R-SANJEEV)
Counsel for Appellants
6/8/24
(E.No-2641/2019)



C.M.P. No-13730/2024 in
Appeal (C.M.P.No-23/24)
This Appeal may be permitted
to be withdrawn with liberty
R. Sanyal
Counsel for Appellants
6/8/24



5.The learned counsel further seeks for a direction to



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exclude the time spent for prosecuting the captioned appeal while filing the same before the appropriate forum and also for refund of Court fee paid in the captioned appeal as provided under Section 70 of the Tamil Nadu Court Fees and Suits Valuation Act, 1955.

6.Considering the above submissions, the learned District Judge, Commercial Court, Coimbatore, while computing the limitation period, shall consider the time spent during which the appellant was prosecuting the captioned appeal by applying the provisions of Section 14 of Limitation Act on merits and in accordance with law.

7.In view of the above, the captioned appeal is disposed of as withdrawn/Closed with the aforesaid liberty. Consequently, connected miscellaneous petition is closed. No costs.

8.As regards refund of Court fee, the Registry is directed to refund the Court fees paid in this appeal (Appeal (CAD).No.23 of 2024) subject to the usual deductions and Rule applicable for Court fee refund.'

2. Now, the petitioners/appellants have come up with the captioned 'Civil Miscellaneous Petition' ['CMP'] with a prayer seeking a direction to the Registry to return the certified copies (described as original) of 'judgment and decree dated 20.03.2024 in C.O.S.No.228 of 2023 on the file of the Commercial Court (Senior Civil Judge Cadre), Coimbatore' {hereinafter 'said order' for the sake of brevity, convenience and clarity}. Said order has been described as original. For the sake of clarity, whatever judgment or decree that has been filed by the appellants, whether certified copy or original shall be returned to the appellants forthwith under due acknowledgement.



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M.SUNDAR, J.,

and

MUMMINENI SUDHEER KUMAR, J.,

mk

Captioned CMP ordered as prayed for. There shall be no order
as to costs.

[M.S.,J.] [M.S.K.,J.]
04.09.2025

mk

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in
Appeal(CAD)No.23 of 2024