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C.R.P.No.541 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2026

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.541 of 2026
and
C.M.P.No.2872 of 2026

M/s.Shellaz India Pvt. Ltd.,
Rep. by its Managing Director,
Mr. Kapil Garg,
No. 99, Main Chowk, Samaypur Badli,
Industrial Area, Delhi – 110 042

... Petitioner

vs.

M/s.K.P.Manish Global Ingredients Pvt. Ltd.
Rep. by its Authorized Signatory,
Mr. Manoj Kumar Baid,
No. 41, Raghunayakulu Street,
Park Town, Chennai – 600 083

... Respondent

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the Fair and Decreetal Order dated 19.11.2025 and passed in I.A.No.4 of 2025, in C.O.S.No.162 of 2024 (pending on the file of the Additional Commercial Court, Egmore, Chennai).

For Petitioner : Mr.R.Pravesh



C.R.P.No.541 of 2026

ORDER

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The Civil Revision Petition is filed challenging the order passed by the Additional Commercial Court, Egmore, Chennai in I.A.No.4 of 2025, in C.O.S.No.162 of 2024, dated 19.11.2025 dismissing the application filed by the petitioner seeking to issue Subpoena/Summon to Chief Financial Officer of the Plaintiff-Company as well as Delhi warehouse in charge of the Plaintiff-Company to adduce evidence.

2. The respondent-company instituted the present suit seeking recovery of Rs.26,36,281/- based on the Invoices dated 30.03.2022, 16.04.2022, 29.03.2023 and 30.03.2022. During trial, the Respondent-Company examined one Manoj Kumar Baid as PW.1. According to the petitioner, he failed to answer various questions put to him by the petitioner. Therefore, the instant application has been filed by the petitioner seeking to call the Chief Financial Officer of the Plaintiff-Company and the Delhi warehouse in charge of the Plaintiff-Company as a witness.

3. The petitioner is the defendant in the suit. They are not entitled to compel the opposite party to enter box and give evidence. If the petitioner



C.R.P.No.541 of 2026

feels that the evidence of Chief Financial Officer of the Plaintiff-Company and Delhi warehouse in charge are material to decide the controversy involved in the suit, the petitioner is entitled to request the Court to take adverse inference against the plaintiff for the failure to examine material witness. However, the petitioner is not entitled to compel the opposite party to examine their employees as a witness. Therefore, I do not find any error in the impugned order passed by the Additional Commercial Court, Egmore, Chennai in I.A.No.4 of 2025, in C.O.S.No.162 of 2024, dated 19.11.2025.

4. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

05.02.2026

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

The Additional Commercial Court,
Egmore, Chennai.



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C.R.P.No.541 of 2026

S.SOUNTHAR, J.

dm

C.R.P.No.541 of 2026

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