IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

CORAM

THE HONOURABLE MR.JUSTICE S. SOUNTHAR

CRP Nos. 6552, 6556 and 6563 of 2025 and
CMP Nos.32411 of 2025

1. M/s Yazhini Yarn Mills
Rep. by its Proprietor, K.Murugesan,
having office at 124/2, Eranapuram
(Post), Namakkal Taluk,
Namakkal District.

2.K. Murugesan
S/o. Kaliannan, Residing at 172/1,
Thiruchengode Road, Namakkal Taluk,
Namakkal District.

Petitioner(s)

Vs

M/s Padmashree Engineering
Rep. by its Sole Proprietor,
Paramasivam, S/o. Venkatasamy,
having office at 86/1A, Vilankuruchi
Road, Ramakrishnapuram,
Ganapathy Post, Coimbatore.

Respondent(s)

PRAYER in CRP No.6552 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decretal order dated 01.12.2025 made in IA No.10 of 2025 in COS No.58 of 2024 on the file of the Commercial Court (District Judge Cadre), Coimbatore.

PRAYER in CRP No.6556 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decretal order dated 01.12.2025 made in IA No.9 of 2025 in COS No.58 of 2024 on the file of the Commercial Court (District Judge Cadre), Coimbatore.

PRAYER in CRP No.6563 of 2025: Civil Revision Petition filed under Article 227 of Constitution of India to set aside the fair and decretal order dated 01.12.2025 made in IA No.11 of 2025 in COS No.58 of 2024 on the file of the Commercial Court (District Judge Cadre), Coimbatore.

For Petitioner(s): Mr. T.L.Thirumalaisamy

For Respondent(s): Mr.G. Prabhaharan

COMMON ORDER

These Civil Revision Petitions are filed, challenging the orders passed by the Commercial court, dismissing the applications in I.A.No.9, 10 and 11 of 2025 in C.O.S.No.58 of 2024 filed by the petitioners/defendants, seeking to condone the delay in filing certain documents, reopen the case and to recall DW1 for filing the documents.

2. The respondent/plaintiff filed the above said commercial suit for recovery of money for the machineries supplied by them to the petitioners/ defendants. As per the original plaint filed by the respondent/plaintiff, it

supplied machineries to the petitioners/defendants worth about Rs.5,89,82,299 and the plaintiff clearly admitted that the defendants paid a sum of Rs.4,72,55,200/- on different dates through bank transactions. Subsequently, an amendment application in I.A.No.2 of 2024 was filed by the respondent/ plaintiff seeking amendment of figure with regard to the repayment made by the respondents/defendants. The repayment amount of Rs.4,72,55,200 mentioned in paragraph No.4 of the plaint was sought to be substituted with a lessor figure of Rs.2,01,00,000/-. Though the said amendment was opposed by the petitioners/defendants and the amendment was rejected by the Trial Court, the said application was allowed by this court in CRP No.451 of 2025 dated 21.08.2025. While allowing the said amendment application, this court gave liberty to the petitioners/defendants to lead evidence to establish that the amounts repaid by them are Rs.4,72,55,200/- instead of Rs.2,01,00,000/-.

3. Thereafter, the petitioners/defendants filed additional written statement asserting the payment of Rs.4,72,55,200/-. The parties went to the trial and during cross examination of DW1 by the respondent/plaintiff, he admitted that the payment made by cash for more than Rs.2,00,000/- was reflected in the I.T. Returns. Hence, it necessitated the petitioners/defendants

to file the instant applications for reception of additional evidence and reopening the evidence and to recall DW1 for marking additional documents.

4. The cross examination of DW1 was done on 11.11.2025 and the present application for reception of additional documents has been filed by the petitioners/defendants on 20.11.2025 i.e. within 9 days. Hence, there is no inordinate delay on the part of the petitioners.

5. The learned counsel for the respondent/plaintiff vehemently contended that the documents sought to be produced by the petitioners/defendants were not filed along with their original pleadings . Therefore, as per the provisions of Code of Civil Procedure applicable to commercial courts, the same should not be received in evidence.

6. In the original plaint filed by the respondent/plaintiff, it has been clearly admitted about the repayment of Rs.4,72,55,200/- by the defendants. Subsequently, the said figure was amended and the total repayment made by the defendants was reduced to Rs.2,01,00,000/-. The said amendment application was allowed by this court only on 21.08.2025 and the cross

examination of DW1 was done on 11.11.2025. Since certain questions were put to DW1 regarding cash payment and non filing of I.T. Returns, the instant applications have been filed to produce the I.T. Returns from the years 2018-2019 to 2025-2026 and to produce PAN CARD and the account ledger maintained by them with regard to the transactions between the petitioners and the respondent.

7. It is settled law that admitted facts need not be proved. In the original plaint, the respondent/plaintiff admitted the payment of Rs.4,72,55,200/- made by the petitioners/defendants. Therefore, along with the original written statement, the defendants have not produced above said ledger and other documents. Subsequently, the plaint was amended and admitted repayment amount of Rs.4,72,55,200/- was reduced to Rs.2,01,00,000/-. In such circumstances, the DW1 was also cross examined by the respondent/ plaintiff with regard to the cash payment and the non filing of I.T. Return by the defendants. Therefore, the petitioners filed these applications for reception of additional documents and other petitions to reopen the evidence and recall DW1 immediately within 10 days from the date of cross examination. The said documents sought to be produced by the petitioners will certainly help the

court to decide the controversy involved in this case with regard to the quantum of amount repaid by the petitioners/defendants. Therefore, this court feels that the defendants shall be given an opportunity to rely on the documents sought to be received in evidence. The court below failed to take into consideration the amendment sought for by the respondent/ plaintiff and also the cross examination of DW1 with regard to the cash transaction and non filing of I.T. Returns. Hence, this court is inclined to interfere with the impugned order passed by the court below.

8. Accordingly, this civil revision petition is allowed and the impugned orders passed by the Trial Court is set aside. Consequently, the applications in I.A.Nos.9,10 and11 of 2025 in O.S.No.58 of 2024 are allowed. Connected miscellaneous petition is closed. Now, the additional documents are permitted to be received in evidence. At the time of marking documents, it is always open to the respondent/plaintiff to raise all objections with regard to the admissibility and relevancy, etc. of the documents.

02.01.2026

Internet : Yes
Index : Yes / No
Neutral Citation:Yes/No
MST

To

The Commercial Court, Coimbatore.

S.SOUNTHAR , J.

MST

CRP.Nos.6552, 6556 and 6563 of 2025

02.01.2026