

UPLOADED ON 19-11-2025

IN THE COURT OF ADDITIONAL COMMERCIAL COURT, EGMORE, CHENNAI

Present: Thiru. L. Robert Kennedy Ramesh., M.L.,

District Judge, Additional Commercial Court,

Dated this 19th day of November 2025, Wednesday

I.A.No:05/2025, 06/2025 & 07/2025 in C.O.S.No:1319/2022

1. M/s. Global Engineering,
Rep. by Authorized Signatory,
Mr. Huzefa Chhagan,
New No: 258, Old No:193,
Linghi Chetty Street,
Chennai-600 001.

2. M/s. Glotech Engineering Pvt. Ltd,
Rep. by Authorized Signatory,
Mr. Huzefa Chhagan, New No: 258, Old No:193,
Linghi Chetty Street,
Chennai-600 001.

3. M/s.Tecno Traders,
Rep. by Authorized Signatory,
Mr. Huzefa Chhagan,
New No: 258, Old: 193,
Linghi Chetty Street,
Chennai-600 001.

... Petitioner/Plaintiffs

(Vs)

M/s. Simplex Infrastructure Limited,
No: 82-83, Nehru Palace,
“Vaikunth” 2nd Floor,
New Delhi-110 019.

... Respondent/Defendant

These petitions are coming on this day for final hearing on 07-11-2025 before me in the presence of M/s. H. Surendar and G.Venkatesan, learned counsels for the petitioners/plaintiffs and of M/s. Thriyambak J.Kannan and Hareepriya E.N., learned counsels for the respondent/defendant and upon perusing the documents and hearing the arguments of both sides and having stood over for consideration till this day and this court today doth deliver the following:

COMMON ORDER

I.A.No. 5/2025

The petition has been filed under Section 151 of CPC for Reopen the PW.1.

I.A.No.6/2025

The petition has been filed under Order XVIII Rule 17 of CPC for Recall the PW.1.

I.A.No. 7/2025

The petition has been filed under order VII Rule 14(3) of CPC to grant leave to file the above stated 10 documents in addition to the evidences marked as Ex.A1 to Ex.A6.

The gist of the petitions filed by the Petitioners/Plaintiffs :-

1. The above suit praying to recover the amount of Rs. 8,81,338 /- for the transactions held between the petitioners company and the respondent company and subsequently issues were framed and the petitioners had filed proof affidavit and the matter was posted for Cross of PW. 1 on 16-12-2024. Ex.A1 Statement of Account filed by me should consist of Ledger accounts, Purchase orders, Invoices and delivery challans whereas only at the time of PW.1 Cross Examination, it has come to light that only the statement of account was filed without the Annexures of purchase orders, invoices and delivery challans. The same was intimated before this Court that the annexures are missing/ left while the suit was filed as normal suit in O.S.No. 5268 of 2017 that was pending on the file of XIV Assistant City Civil Court, Chennai and prayed to file petition to receive additional documents during PW.1 Cross. It was directed to file the same after Cross Examination. Accordingly the petitions in I.A.Nos.2/2025, 3/2025 and 4/2025 were filed to Re-Open PW1, Re-call PW.1 and to grant leave to file additional documents respectively before this Court and the same was allowed with condition to pay cost of Rs.2000/- against each petition amounting Rs.6000/- and the same was deposited before this Court by us. The respondent/defendant refused to receive the cost and whereas the respondent preferred to file CRP. PD. Nos. 1975, 1976 & 2760/2025 before the Hon'ble High Court of Madras and the same were allowed and as such the petitioner/plaintiff couldn't bring the documents to substantiate the transactions held between my companies and the defendant company. In the above circumstances, the respondent/defendant had completed their arguments in the suit and further this Court has framed additional issues that "Whether this Court has Jurisdiction to decide the suit". As such just and necessary to admit the additional documents as plaintiff side exhibits and if it is not allowed it would be a great prejudice to the

petitioner/plaintiffs to recover the amount from the respondent/defendant. The additional documents that are intended to be received in the above suit are as follows:

S.No	Date	Description	Remarks
1.	-	Invoice copies of the plaintiff to the tune of Rs. 5,30,551/-	Photo Copy
2.	-	Invoice copies of the 2 nd plaintiff supplied to Kochi site to the tune of Rs. 45,900/-	Photo Copy
3.	-	Invoice copies of the 3 rd plaintiff supplied to Trichy site to the tune of Rs. 32,936/-	Photo Copy
4.	-	Delivery Notes and LR copies for the supply of goods from 1 st plaintiff	Photo Copy
5.	-	Delivery Notes and LR copies for the supply of goods from 2 nd plaintiff	Photo Copy
6.	-	Delivery Notes and LR copies for the supply of goods from 3 rd plaintiff	Photo Copy
7.	-	Purchase Orders placed by the defendant to the 1 st plaintiff	Photo Copy
8.	16-02-2015	Copy of the Sale Tax Notice for yr 2010-11 served on the 1 st plaintiff	Photo Copy
9.	16-02-2015	Copy of Sale Tax Notice for yr 2012-13 served on the 1 st plaintiff	Photo Copy
10.	21-05-2013	Debit Note - Invoice copies	Photo Copy

The above stated 10 documents may be received as additional documents of the plaintiff. Hence this petition.

The gist of the common counter filed by the Respondent/Defendant :-

2. The petitioners/plaintiffs initially sought to introduce 18 documents by way of I.A.No. 04 of 2025 in C.O.S. No. 1319 of 2022, which was allowed by this Court.

Subsequently, the Respondent/Defendant challenged the Common Order in I.A. Nos. 02, 03 and 04 of 2025 dated 05.04.2025 through CRP. PD. Nos. 1975 , 1976 and 2760 of 2025. Upon adjudication the Hon'ble High Court by its order dated 01-08-2025, allowed the CRPs in their entirety and refused to allow the introduction of additional documents at the stage of final arguments. In utter disregard of the High Court Order, the Petitioners/Plaintiffs are now attempting to re-introduce 14 documents from the set of 18 documents previously disallowed, thereby seeking to circumvent the Hon'ble High Court's Order. The list of additional documents that were previously rejected and the additional documents now sought to be filed are set out in the table below.

S.No	Documents sought to be introduced by IA No. 04 of 2025 and rejected	Documents sought to be introduced by IA No. 07 of 2025
1.	Invoice copies of the 1 st plaintiff supplied to Chennai site to the tune of Rs.79,949/-	Invoice copies of the 1 st plaintiff to the tune of Rs.5,30,551/-
2.	Invoice copies of the 1 st plaintiff supplied to Trichy site to the tune of Rs.60,035/-	
3.	Invoice copies of the 1 st plaintiff supplied to Salem site to the tune of Rs.1,47,591/-	
4.	Invoice copies of the 1 st plaintiff supplied to Tutucorin site to the tune of Rs.75,696/-	
5.	Invoice copies of the 1 st plaintiff supplied to Kochi site to the tune of Rs.1,67,280/-	
6.	Invoice copies of the 2 nd plaintiff supplied to Kochi site to the tune of Rs.45,900/-	Invoice copies of the 2 nd plaintiff supplied to Kochi site to the tune of Rs.45,900/-
7.	Invoice copies of the 3 rd plaintiff supplied to Trichy site to the tune of Rs.32,936/-	Invoice copies of the 3 rd plaintiff supplied to Trichy site to the tune of Rs.32,936/-
8.	Delivery notes and LR copies for the supply of goods from 1 st plaintiff	Delivery notes and LR copies for the supply of goods from 1 st plaintiff

9.	Delivery notes and LR copies for the supply of goods from 2 nd plaintiff	Delivers notes and LR copies for the supply of goods from 2 nd plaintiff
10.	Delivery notes and LR copies for the supply of goods from 3 rd plaintiff	Delivery notes and LR copies for the supply of goods from 3 rd plaintiff
11.	Purchase orders placed by the defendant to the 1 st plaintiff	Purchase orders placed by the defendant to the 1 st plaintiff
12.	Copy of the sale tax notice for year 2010-11 served on the 1 st plaintiff dated 16-02-2015	Copy of the sale tax notice for year 2010-11 served on the 1 st plaintiff dated 16-02-2015
13.	Copy of the sale tax notice for year 2012-13 served on the 1 st plaintiff dated 16-02-2015	Copy of the sale tax notice for year 2012-13 served on the 1 st plaintiff dated 16-02-2015
14.	Debit note-invoice copied dated 21-05-2013	Debit note invoice copies dated 21-05-2013
15.	Mail from R. Swaminathan to the plaintiff dated 05-09-2018	-
16.	Copy of acknowledgment for submission of invoices to R.Swaminathan dated 07-09-2018	-
17.	Mail from R.Swaminathan to his head office copy marked to the plaintiff company dated 05-10-2018	-
18.	65B certificate for mail communication.	-

The 14 documents now sought to be re-introduced are a replica of the additional documents that were previously sought to be filed and rejected and those documents cannot be re-introduced. The Petitioners/Plaintiffs have not demonstrated any reason that prevented them from filing the additional documents after their Counsel had taken over the case in December 2022. Even after becoming aware that certain documents

remained unfilled, the Petitioners/Plaintiffs did not act with due diligence at an earlier stage to have those documents placed on record. The mere framing of an additional issue following the Respondent/Defendant's arguments does not confer any right upon the Petitioners/Plaintiffs to reintroduce the same documents, particularly when such reintroduction is prohibited by the principle of res judicata. It is submitted that the Applications are liable to be dismissed in limine for this reason. The discretionary power under Section 151 CPC or Order XVIII Rule 17 of CPC is to be used sparingly in commercial suits and only when the application is bonafide and the Court is satisfied that the non-production earlier was for valid and sufficient reasons. In the present case, the Petitioners/Plaintiffs have not provided any cogent reasons whatsoever in any application and the Applications can be dismissed on this ground alone. Hence these petitions are dismissed with exemplary cost.

The point for consideration:-

3. Whether these petitions have to be allowed?

4. Heard both sides. Records perused.

5. The consideration of records shows that the suit is pending for plaintiffs side arguments. At this stage the petitioners/plaintiffs have filed the present petitions to receive the additional document and for purpose of the same seeks to reopen and recall PW.1 for marking the additional documents. The learned counsel for the petitioners/plaintiffs submitted that during the stage of arguments this court has framed additional issue as to whether this court has jurisdiction to decide the suit, as such the additional documents are necessary to prove that this court has jurisdiction to decide the suit.

6. Per contra the learned counsel for the respondent/defendant submitted that the petitioners/plaintiffs earlier filed I.A.No.4/2025 to receive the same documents and the

same was allowed by this court, against which the respondent/defendant preferred revision before the Hon'ble High Court and the Hon'ble High Court allowed the revision petition and thereby dismissed the petition filed by the petitioners/plaintiffs to receive additional documents, as such when the petition to receive the additional documents stands dismissed as a second round the petitioners/plaintiffs have filed the similar petition to receive the same documents during arguments, as such these petitions are liable to be dismissed.

7. As stated by the learned counsel for the respondent/defendant the consideration of records shows that the petitioners/plaintiffs have earlier filed I.A.No.4/2025 to receive additional documents which are the same as mentioned in the present petition to receive additional documents. Along with I.A.No.4/2025 the petitioners/plaintiffs also filed I.A.No.2/2025 and I.A.No.3/2025 to reopen and recall PW.1 for marking additional documents, the said I.A.2, 3, 4 /2025 were allowed by a common order dated 05-04-2025, against which the respondent/defendant preferred Revision in CRP PD Nos. 1975, 1976, 2760 /2025 and the Hon'ble High Court by order dated 01-08-2025 allowed the above revision petitions. As such the I.A.No. 4/2025 filed by the petitioner/plaintiff to receive additional documents stood dismissed. Subsequently when the present suit was posted for arguments the petitioners/plaintiffs have filed the present petition in I.A.No.7/2025 to receive the same documents on the ground that as an additional issue as to jurisdiction has been framed it is necessary to receive the additional documents. When the Hon'ble High Court in the above revision petitions have rejected the petitioners/plaintiffs claim to receive additional documents, the petitioners/plaintiffs have not challenged the same, as such the Order passed by the Hon'ble High Court in the above revision petitions became final. As such the petitioners/plaintiffs cannot file the present petitions to receive the same documents at

the subsequent stage stating that an additional issue has been framed, as it will amount to nullifying the above Order of the Hon'ble High Court which cannot be permitted. Accordingly when the petitioners/plaintiffs earlier petition in I.A.No.4/2025 to receive additional documents has been dismissed by the Hon'ble High Court the petitioners/plaintiffs cannot file another petition to receive the same documents in a different stage of the suit. As such there is no merits in these petitions. Accordingly all the petitions are dismissed.

In the result these petitions are dismissed. No cost.

Directly dictated to the steno-typist and directly typed by her in my desktop and corrected and pronounced by me in the open court, this 19th day of November, 2025.

District Judge,
Additional Commercial Court,
Egmore, Chennai.

Draft/ Fair Common Order
in I.A.No.05/2025, 06/2025
and 07/2025 in C.O.S.No.1319/2022
Dated: 19-11-2025
Additional Commercial Court