

**IN THE COURT OF JUDGE, COMMERCIAL COURT
(DISTRICT JUDGE CADRE), COIMBATORE**

Present: **Thiru. K.Hariharan, M.L.,**
Judge,
Commercial Court (District Judge Cadre),
Coimbatore.

Wednesday, the 25th day of June, 2025

I.A. No.4 of 2025
in
C.O.S.No.7 of 2025
(CNR No.TNCB22-000013-2025)

M/s. Horizon Metal Tech Pvt. Ltd.,
rep. by its Authorized Signatory, Mr. Ashok Sharma

... Petitioner / Plaintiff

// Vs //

- 1. M/s. Sri Murugan Foundry Equipment**
rep. by its Managing Partner R.Murugaiyan
2. R. Murugaiyan,
Partner of M/s Sri Murugan Foundry Equipment,
3. Manonmani,
Partner of M/s Sri Murugan Foundry Equipment,
4. Deepa Murugaiyan,
Partner of M/s Sri Murugan Foundry Equipment ... Respondents/Defendants

The petition came up for final hearing before me on 19.06.2025 in the presence of Mr. S.R.lyalpari and Ms. A.R.Poorvaja Advocates, for the petitioner / plaintiff and Mr. R.Senthilnathan, Advocate for the respondents / defendants and upon perusing the records, and having stood over for consideration till this date, this court doth passed the following:-

ORDER

The petition has been filed by the petitioner / plaintiff seeking to permit the petitioner to file the petition mentioned additional documents under Order XI Rule 1(5) of C.P.C.

2. The petition averments which are found essential for the disposal of the petition is that:-

It is the submission of the petitioner that the petitioner was unable to submit the provident fund challan, ESIC receipts towards the employees salary of the petitioner / plaintiff, auditor reports for the financial year 2023 - 2024, picture of the iron castings supplied and production capacity of the plaintiff for the month of May to July 2023 and could not be produced the same at the time of filing of the suit due to the volume of the records pertaining to the plaint. Further, it is the submission of the petitioner that the above documents were misplaced along with the records of the other plants of the company. It is also the submission of the petitioner that the father of the petitioner is died on 11.02.2025 and also on account of difficulty in communicating to the counsel at Coimbatore the above mentioned documents could not be filed before this Court in time. Further, it is the submission of the petitioner that for some invoices and the documents the petitioner has availed the leave of this Court in I.A.No.2 of 2025 and sought for to allow this petition.

3. By denying the petition averments the respondents/defendants have filed the Memo of Objection. The sum and substance of Memo of Objection which are found essential for the disposal of the petition is that:-

The respondents has denied the petition averments. It is the submission the respondents that the documents filed by the petitioner are not relevant to the proceedings and are not admissible in evidence. Further the respondents submit that this petition has been filed only with intention to cause delay to the proceedings. Further, it is the submission of the respondents that the delay of filing the documents filed by the petitioner are all fabricated and invented for the purpose of this suit. Further, the respondents also submit that the petitioner is not the author of the documents and mentioned that the documents could not be marked through the petitioner and sought for to dismiss the petition.

4. Point for consideration:-

- 1) Whether the petition under Order XI Rule 1(5) of C.P.C. could be allowed?

Point:-

5. The suit has been filed by the plaintiff in the month of February 2025. Prior to that initially a suit was filed by the defendants against this plaintiff and the said suit has been filed some four months before the filing of this suit. The said suit was numbered as COS No.18 of 2024. Hence, when a suit

is filed against this plaintiff by the defendant in COS No.18 of 2024, the petitioner / plaintiff in this petition would have been aware of the proceedings between the defendants & plaintiff prior to the filing of this suit. In this petition the petitioner has submitted the reason that the suit documents are voluminous and the petitioner was living in Himachal Pradesh and was unable to collect the documents immediately and the documents are placed in different companies. This petition has been filed in the month of June 2025. But, originally the suit was filed in the month of February 2025 and prior to that yet another suit was also filed in C.O.S.No.18 of 2024 before four months of filing this suit (COS No.7 of 2025). Hence, this petition for filing of additional documents in the considered view of the Court have been filed almost after eight months of filing of suit in COS No.18 of 2024 by the defendant / respondent against the plaintiff / petitioner in this suit.

6. Apart from the said reason, this Court also has perused the provision under Order XI Rule 1(5) of C.P.C. which provides for filing of additional documents which is not already disclosed, when the plaintiff establishes the reasonable cause. The petitioner in the petition has stated the reasons for belated filing of the documents, which are (i) the document is voluminous & (ii) the petitioner is residing at Himachal Pradesh. For this reason this Court would consider that being the dispute between the plaintiff and the defendants have been commenced even at the time of filing of original suit in

C.O.S.No.18 of 2024, this Court would considers that the reason stated by the petitioner in the petition do not establish the reasonable cause. In this regard, this Court would also consider appropriate to rely on the dictum laid by the Hon'ble Supreme Court in **Sudhir Kumar S.Baliyan (S) V. Vinay Kumar G.B. (S)** and this Court would consider that the petitioner has failed to establish the reasonable cause and consider that the petition is liable to be dismissed.

7. In the result the petition is dismissed. No costs.

Dictated to the Steno-Typist, computerized by him directly, Corrected and Pronounced by me, on the 25th day of June 2025.

sd / **Tr. K.Hariharan, M.L.,**
Judge,
Commercial Court,
(District Judge Cadre)
Coimbatore

List of Witnesses and Documents:- Nil

sd / **Tr. K.Hariharan, M.L.,**
Judge,
Commercial Court,
(District Judge Cadre)
Coimbatore