

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

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

Thursday, the 29th day of August, 2024

I.A. No.5 of 2024
&
I.A.No. 6 of 2024
in
C.O.S.No.18 of 2024
(CNR No.TNCB22-000059-2024)

M/s. Horizon Metal Tech Pvt. Ltd.,
represented by its Director
and others

... Petitioners / Defendants

// Vs //

M/s. Sri Murugan Foundry Equipment
rep. by its Managing Partner R.Murugaiyan

... Respondent / Plaintiff

These petitions came up for final hearing before me on 20.08.2024 in the presence of Ms.Poorvaja, Advocate for the petitioners/defendants and Thiru.R.Senthilnathan, Advocate for the respondent/defendant and upon perusing the records, and having stood over for consideration till this date, this court doth passed the following:-

COMMON ORDER

The petitions are taken up for disposal together as both the petitions were filed with same set of facts for two reliefs.

I.A. No.5 of 2024

The petition has been filed by the petitioners/defendants seeking to condone the delay in filing statement of truth, statement of admission and denial of documents and affidavit for admission and denial of document under Section 151 of C.P.C.

I.A. No.6 of 2024

The petition has been filed by the petitioners/defendants seeking to reopen the case for filing of statement of truth, statement of admission and denial of documents and affidavit for admission and denial of document under Section 151 of C.P.C.

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

The petitioner filed the written statement on 18.06.2024 and the suit was posted for filing of statement of truth and for filing of admission and denial of documents statement, since the petitioner's place of business was Himachal Pradesh and he was unable to inform the counsel in time. Hence, the petitioner has sought for to condone the delay of 20 days in filing the admission and denial of documents and to reopen the case and sought for to allow these petitions.

3. By denying the petition averments the respondent/plaintiff has filed the memo of objection. The sum and substance of the same are found essential for the disposal of the petition is that:-

The respondent submits that sufficient time has been given to the petitioner to file the admission and denial of the documents statement and mentioned that the petition is not maintainable and sought for to dismiss the petitions.

4. Point for consideration:-

Whether these petitions under Section 151 of C.P.C. could be allowed?

5. Point:-

The petitioner states that he is from Himachal Pradesh and he was unable to meet his counsel in time to give instruction to file admission and denial of documents statement. Considering the distance of the place of residence of the petitioner, the delay period of 20 days is considered to be condoned for just adjudication in the suit.

6. In the result, the petitions are allowed. No Costs.

Dictated to the Steno-Typist, computerized by him directly, Corrected and Pronounced by me, on the 29th day of August 2024.

Judge,
Commercial Court,
(District Judge Cadre)
Coimbatore

List of Witnesses and Documents:- Nil

Judge,
Commercial Court,
(District Judge Cadre)
Coimbatore