

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

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

Friday, the 13th day of June, 2025

I.A. No. 10 of 2025
in
C.O.S.No.18 of 2024
(CNR No.TNCB22-000059-2024)

1. **M/s. Horizon Metal Tech Pvt. Ltd.,**
represented by its Director
2. Inderlal Ramsharan Sharma
Director of M/s. Horizon Metal Tech Pvt. Ltd.,
3. Sunil Inderlal Sharma,
Director of M/s. Horizon Metal Tech Pvt. Ltd.,
4. Ram Lok
Director of M/s. Horizon Metal Tech Pvt. Ltd.,
5. Ashok Sharma
Director of M/s. Horizon Metal Tech Pvt. Ltd.,

... Petitioners / Defendants

// Vs //

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

... Respondent / Plaintiff

The petition came up for final hearing before me on 10.06.2025 in the presence of Tmt.A.R.Poorvaja, Advocate for the petitioners/defendants and the respondent/plaintiff called absent and set exparte 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 petitioners / defendants to issue hand over summons for LW.2 (Subramanian) and LW.3 (Dinesh Rathi) to appear before this Court and to give oral evidence under Order XVI Rule 1 r/w Section 151 of C.P.C.

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

The petition has been filed by the Executive Director and Authorized Signatory of the 1st defendant company. It is submitted that LW.2 on the defendant side one Subramanian is the Consultant and also qualified person and expert in the field of foundry management. Further, one Dinesh Rathi who is LW.3 on the defendant side is the Chartered Accountant of the petitioner / 1st defendant company. The petitioner seeks to examine both LW.2 and LW.3 by summoning them as witnesses in this proceedings and also prayed for to issue hand over summons to summon the witnesses LW.2 and LW.3 and sought for to allow this petition.

3. The respondent has been issued with the copy of the petition and the respondent has also filed the list of witnesses in the main suit proceedings. The respondent has not come forward to file the counter and hence the respondent was set exparte in this petition.

4. Point for consideration:-

Whether the petition under Order XVI Rule 1 r/w Sec. 151 of C.P.C. could be allowed?

Point:-

5. This Court considers the nature of the dispute in this suit and LW.2 is the one of the consultant and shown as a qualified person and expert in the field of Foundry Management. Whereas, LW.3 is shown as Chartered Accountant who looked after the money transactions in the petitioner company. The respondent has not come forward to object for the same. Hence, this Court being the Court of first instance and the witnesses who are sought to be summoned are also listed as witnesses on the petitioner side as LW.2 and LW.3. and considering the same this Court would consider appropriate to allow this petition.

6. In the result, the petition is allowed. No Costs.

Dictated to the Steno-Typist, computerized by him directly, Corrected and Pronounced by me, on the 13th 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