

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

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

Saturday, the 7th Day of March, 2026

I.A. No.5 of 2026

in

C.O.S. No.39 of 2025

[CNR No.TNCB22-000085-2025]

Mr. V. Arun Kumar,
Trading as M/s ARS Engineering, ... Petitioner / Plaintiff

// Vs //

Mr. Sundarraaj,
ARS Engineering Works, ... Respondent / Defendant

The petition came up for final hearing before me on 06.03.2026 in the presence of **Thiru.V.Ramachandran Advocate**, for the petitioner / plaintiff and **Thiru.R.V.Gurunathan, Advocate** for the respondent / defendant and upon perusing the records, hearing enquiry on both sides and having stood over for consideration till this date, this Court doth passes the following:-

ORDER

The petition has been filed by the petitioner / plaintiff seeking to condone the delay in filing the petition mentioned documents under Order XI Rule 1(5) of C.P.C. and sought for to allow the petition.

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

The petitioner is the plaintiff in the suit. The petitioner has requested on 28.11.2025 to to the Tamil Nadu Agricultural University under RTI Act and In response to the same the petitioner has received a written communication from the said authorities on 12.01.2026. It is mentioned that these communications evolved after the suit was filed by the petitioner / plaintiff and hence the petitioner was not in a position to file these documents along with the plaint. Further it is submitted that those documents are essential in view of the defence taken by the defendant in his written statement and sought for to allow the petition.

3. By denying the petition averments the respondent/defendant has filed the counter. The sum and substance of the counter statement averments which are found essential for the Disposal of the petition is that:-

a) It is the submission of the respondent that though it is mentioned by the petitioner that the document has been received on 12.01.2026, the petitioner has not come up with any reason for delayed filing of documents after 12.01.2026 and state that even though the petitioner has received the documents on 12.01.2026, only on 04.03.2026 nearly after the lapse of two months time period the present petition is mentioned to have been filed by the petitioner and state that the petitioner has not come up with any reason for delayed filing of the present petition. Further it is mentioned that the petitioner have not come up

with any explanation for the delayed caused and submit that the petition could not be allowed and also submit that mere filing of petition alone would not be entitled the petitioner seeking for to condone the delay in filing the documents. Further it is mentioned that the petitioner is attempted to introduce the new documents in a casual and negligent manner, after the progress of the proceedings and state that the same could not be permitted in law and also submitted that the the petitioner has not come up with any sufficient cause in condoning the delay in filing the present two documents which is filed after two months from the receipt of the documents. Hence the respondent has sought for to dismiss the petition.

4. Point for consideration:-

Whether the petition could be allowed?

Point:-

5. The suit has been instituted on 23.09.2025. The defendant in the present suit have entered appearance on 10.10.2025. The written statement have been filed by the defendant on 17.11.2025. In the meantime the petition in I.A.No.2 of 2025, I.A.No.3 of 2025 and I.A.No.4 of 2025 were also been pending and the same have been already disposed. Under the above circumstances the issues have been framed on 18.02.2026 and subsequently the suit is taken up for trial. In the meantime on 12.01.2026 the petition mentioned

present document has been received by the petitioner subsequent to the filing of present suit. At the same time the petitioner has filed the present petition prior to the recording of evidence. From 12.01.2026 till 18.02.2026 the petitioner has not chosen to file the petition mentioned documents. But at the same time this Court is being the Court of first instance and the document have been received after subsequent to the suit by the petitioner and the Trial in the suit has not been begun. Hence this Court would consider that for complete adjudication the present petition could be allowed.

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 **7th Day of March 2026.**

Judge,
Commercial Court,
(District Judge Cadre)
Coimbatore

List of Witnesses and Documents:- Nil

Judge,
Commercial Court,
(District Judge Cadre)
Coimbatore