

**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 22nd day of January, 2025

**I.A. No.3 of 2024**  
**in**  
**C.O.S.No.58 of 2024**  
(CNR No.TNCB22-000461-2024)

M/s. Padmashree Engineering,  
Rep. by its Sole proprietor Mr. Paramasivam .... Petitioner / Plaintiff

**// Vs //**

1. M/s Yazhini Yarn Mills,  
Rep. by its Proprietor, Mr. Murugesan

2. K. Murugesan .... Respondents / Defendants

This petition came up for final hearing before me on 04.01.2025 in the presence of Tmt.C.S.Yogalakshmi, Advocate for the petitioner / plaintiff and Thiru.P.Anbucheliyan, Advocate for the respondents / defendants and upon perusing the records, hearing both sides and having stood over for consideration till this date, this court doth passed the following:-

**ORDER**

This petition has been filed by the petitioner / plaintiff seeking to receive the petition mentioned documents under Order XI Rule 1(5) of the Commercial Courts Act, 2015.

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

It is the contention of the petitioner that the petition mentioned documents are vital documents to the suit proceedings and were recently availed by the petitioner. It is the contention of the petitioner that the documents are vital to just disposal of the suit proceedings and sought for to allow the petition.

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

The respondent has filed the counter stating that the documents are not related to the suit proceedings and submitted that there is no pleadings found in the plaint regarding the above documents and submitted that these documents are not necessary to decide the dispute involved in the suit and sought for to dismiss the petition.

4. **Point for Consideration:-**

Whether the petition under Order XI Rule 1(5) of Commercial Courts Act, could be allowed?

**Point:-**

5. The petitioner has filed three documents along with this petition seeking to condone the delay in filing the documents. The 1<sup>st</sup> document is the bank account statement of the plaintiff for the period between 01.04.2020 to 13.11.2020. The above document was available with the petitioner at the time of filing the suit and considers that the petitioner has not come up with any specific reasons establishing the cause for the belated filing of the document. Hence this Court would consider that the petitioner seeking to file additional document to file the bank account statement in the considered view of the Court is not sustainable. Accordingly the petition for to file additional document for filing the account statement filed as document No.1 in the petition is dismissed.

6. The 2<sup>nd</sup> and 3<sup>rd</sup> document in the list are the ledger account statement and the mortgage deed entered between the petitioner and the respondent. The respondent in the written statement has pleaded that the entire amount has been paid and also has filed some documents in support of its stand. Like wise, the 3<sup>rd</sup> document is the copy of mortgage deed entered between the parties. The above two documents are considered to have been filed by the petitioner in reply to the stand taken by the respondent in the written statement. Hence, this Court find it appropriate to condone the delay in filing the list of documents No.2 and 3 by the petitioner in the suit.

**7. In the result the petition is partly allowed, thereby for the petitioner seeking to condone the delay in filing of list of document No.2 and 3 the petition is allowed and for the petitioner seeking to condone the delay in filing of list of document No.1 the petition is dismissed. No Costs.**

Dictated to the Steno-Typist, computerized by him directly, Corrected and Pronounced by me in the open Court on this 22nd day of January 2025.

Judge,  
Commercial Court,  
(District Judge Cadre)  
Coimbatore

**List of Witnesses and Documents:- Nil**

Judge,  
Commercial Court,  
(District Judge Cadre)  
Coimbatore