

**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 2nd Day of April, 2026

I.A.No.4 of 2026
in
C.O.S.No.62 of 2024
(CNR No.TNCB22-000483-2024)

1. M/s. Jayanthi Textile Products,
Rep. by it's Partner C.M.Lakshmanamoorthy,
 2. M/s. Jayanthi Textile Products,
Rep. by it's Partner C.M.Senthilkumar,
 3. M/s. Jayanthi Textile Products,
Rep.by it's Partner M.Ruckmani,
 4. M/s.Jayanthi Textile Products,
Rep.by it's Partner C.N.Marappan
- ... Petitioners / Plaintiffs

// Vs //

M/s. Sankalp Textiles,
Rep. by it's proprietor Pareshkumar Zaveri

... Respondent / defendant

This petition came up for final hearing before on 01.04.2026 in the presence of Thiru. P.Shri Santhaaji and Thiru. H.Noor Mohammed, Advocates for the petitioners / plaintiffs and upon perusing the records, and having stood over for consideration till this date, this Court passes the following:-

ORDER

This petition has been filed by the petitioners / plaintiffs under Order XI Rule 1(5) of C.P.C. seeking to condoning the delay in producing the petition mentioned documents and mark the same on the side of the plaintiff.

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

The present suit has been filed by the plaintiffs for the relief of recovery of money and due to the inadvertence and unavoidable circumstances the e-way bill dated 09.06.2023 and e-way bill dated 16.06.2023 and BSA Certificate dated 23.03.2026 were not filed by the plaintiffs along with the present suit. It is mentioned that the suit has been filed by the plaintiffs for the recovery of cheque amount arising of outstanding dues in the course of commercial transactions between the parties and submit that the invoices have been filed by the plaintiffs before this Court. In order to substantiate and strengthen the claim of the plaintiffs and to show the delivery of goods to the defendant by the plaintiffs, the present additional documents are mentioned to have been filed by the plaintiffs for proper adjudication of the suit dispute. It is the submission of the plaintiffs that the non production of the said documents was due to diligence and submit that the documents are very much essential for proper adjudication of the present dispute and to establish the claim of the plaintiffs / petitioners in the present suit

and submit that in case if the petition is allowed, the same would not cause any prejudice to any of the party and sought for to allow the petition.

3. The respondent / defendant has remained *exparte* in the main suit proceedings.

4. Point for Consideration:-

i) Whether the petition could be allowed for condoning the delay in filing the documents?

Point No.(i)

5. It is the submission of the petitioners / plaintiffs that the plaintiffs have filed the main suit for the relief of recovery of suit amount from the respondent / defendant. Further it is the submission of the petitioners / plaintiffs that the plaintiff has filed the suit on the basis of the invoices and also the cheque issued by the defendant. It is the submission of the petitioners / plaintiffs that the petitioner was available with the e-way bills showing the delivery of goods to the defendant and submit that the said documents were not filed earlier by the petitioners / plaintiffs in the present suit. The petitioners mentioned that those documents were not filed earlier by the petitioners in-spite of due diligence. Further it is the submission of the petitioners that the documents are necessary for just adjudication of the suit proceedings and sought for to allow the petition.

6. This Court has considered the petition averments. Considering that the documents are mentioned to have been filed by the petitioners for just adjudication of the suit proceedings and to show the delivery of the goods to the defendant by the plaintiffs. On perusing the documents and the reason for delay, this Court would consider that for the just adjudication of the suit proceedings, this petition could be allowed.

7. 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 **2nd day of April 2026.**

Judge,
Commercial Court,
(District Judge Cadre)
Coimbatore