

**IN THE COMMERCIAL COURT (SENIOR CIVIL JUDGE CADRE),
COIMBATORE.**

Present : Thiru. K. Hariharan, ML., Judge,
Commercial Court,
(Senior Civil Judge Cadre)
Coimbatore.

Dated this the 08th Day of April 2024, Monday.

C.O.S. No. 550 of 2023

(Old O.S.No. 09 of 2023 on the file of I Additional District Court, Coimbatore.)

(CNR. No.TNCB23-001084-2023)

I.A.No. 02/2024

in

C.O.S No. 550 of 2023.

M/s. Sruthi Corporation,
Represented by its Proprietor,
Mr. R. Radhakrishnan

...Petitioner/Plaintiff.

//Vs//

1. M/s. Sabari Textiles,
Represented by its Proprietor,
Mr. K. Venkatapathy.

2. Mr. K. Venkatapathy,
Proprietor of M/s. Sabari Textiles.

...Respondents/Defendants.

This Petition coming on this day for final hearing before me in the presence of
Mr. A.R. HariPrasaadh, Advocate for the Petitioner/Plaintiff, Ms. K. Karthika,
Advocate for the Respondent/Defendant. Upon hearing the counsel on both sides and

on perusal of records, having stood over till this day for consideration, this Court passed the following:-

ORDER

The Petition is filed by the Petitioner/Plaintiff under Order 11 Rule 1(5) of CPC seeking to permit to produce the additional documents as filed along with the petition.

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

The Petitioner states that the suit is filed for the recovery of vehicle loan due. The Respondent has availed the loan for vehicle bearing No. TN99Q1990. By mistake the Petitioner states that, instead the Petitioner has mentioned the vehicle No TN88AB6833 in the plaint. The Petitioner states that the respondent admitted the availing of loan and disputes the vehicle number. Hence to rectify the error, the petition is mentioned to have been filed.

2. The sum and substance of the Counter Averments which are found essential for the disposal of the petition is that:

The respondent in the counter has stated that the mentioning of wrong vehicle number is known to the Petitioner in the proceedings when it was pending before the PDJ court. Further stated that being aware of the mistake, the Petitioner now mentioned to have file the petition to delay the proceedings. Further after completion

of evidence of the defendant, the Petitioner preferring this petition is mentioned as not sustainable and sought for to dismiss the petition.

3. Point for determination:

Whether the Petition could be allowed?

4. Point:

The suit is recovery of money. No relief have been sought for by the Petitioner relating to the vehicle. Though it be, the respondent also has admitted that vehicle number is wrongly mentioned. Under these circumstances, for arriving at just decision in the suit, the petition is considered to be allowed on cost.

In the result, the petition is allowed thereby the Petitioner is directed to pay cost of Rs. 500/- to the respondent on or before 22.04.2024. Failing which the petition shall stand automatically dismissed. Call on 22.04.2024.

The Order is dictated to the Steno-typist and directly typed by her in computer and after checking it to be corrected, pronounced by me in this Open Court on this 08th Day of April, 2024.

Judge,
Commercial Court,
(Senior Civil Judge Cadre)
Coimbatore.

*Fair / Draft Order
I.A. No. 02/2024
COS.No. 550 of 2023
Dt: 08.04.2024
SCJ, CBE.*

