

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

TUESDAY, THE THIRTY FIRST DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

CIVIL REVISION PETITION NO: 4182 OF 2024

Petition under Article 227 of the constitution of India aggrieved by the Order dated 21/10/2024 Passed in I.A.No.378 of 2024 in C.O.S.No.5 of 2019 on the file of the Court of the Special Judge for Trial and Disposal of Commercial Disputes, R.R. District at L.B. Nagar.

Between:

1. M/s. Ina Infra India Pvt. Ltd., Off- 12-10-337/2, Seethapalmandi, Near Ramalayam, Secunderabad - 500 051, Rep. by its Managing Director, Sitamraju Karunakar S/o. Sri. S.V. Ranga Rao, Aged about 61 years, Occ-Business, R/o. 12-10-337/2, Seethapalmandi, Near Ramalayam, Secunderabad - 500 051.
2. Sitamraju Karunakar, S/o. Sri. S.V. Ranga Rao, Aged about 61 years, Occ-Business, R/o. 12-10-337/2, Seethapalmandi, Near Ramalayam, Secunderabad - 500 051.

...Petitioners/Defendants No.1 & 2

AND

1. M/s. Vijayalakshmi Solar Energy Pvt. Ltd., (Formerly M/s. Jade Solar Energy Pvt. Ltd.), 14-1-89/35/7/2, Gayathri Nagai, Allapur, Borabanda, Hyderabad - 500 018, Rep. by its Director, Sri. M. Veerabhadra Rao S/o.11,1. Ranga Rao, Aged about 46 Years, Occ- Business, R/o. 14-1-89/35/7/2, Gayatri Nagar, Allapur, Borabanda, Hyderabad.
2. Sri. Nanduri Sriram, S/o. Late N.V. Chary, Aged about 50 Years, Occ-Business, R/o. Flat No. 103, Vineyard, Cedar Apartments, Defence Colony, Sainikpuri, Secunderabad - 500 009.

...Respondent No.2/3rd Defendant

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to stay all further proceedings dated 21.10.2024 in C.O.S. No. 5 of 2019 on the file of Special Judge for Trial and Disposal of Commercial Disputes, R.R. District at L.B. Nagar, during the pendency of the above CRP.

Counsel for the Petitioners : Sri N Gangadhar

Counsel for the Respondents: _ _ _

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CIVIL REVISION PETITION No.4182 of 2024

ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. N.Gangadhar, learned counsel for the petitioners.

2. Heard on the question of admission.

3. In this petition under Article 227 of the Constitution of India, the petitioners have assailed the validity of the order dated 21.10.2024 passed by the Court of the Special Judge for Trial and Disposal of Commercial Disputes, Ranga Reddy District (hereinafter referred to as, "the Commercial Court"), by which the application preferred by the petitioners under Order XI Rule 1(10) read with Section 151 of the Code of Civil Procedure, 1908 (CPC), to receive the documents on record has been rejected.

4. Facts giving rise to filing of this petition briefly stated are that the respondent No.1/plaintiff had filed a civil suit for recovery of money in the year 2019, namely C.O.S.No.5

of 2019. In the aforesaid civil suit, the petitioners/defendants No.1 and 2 filed a written statement on 30.12.2019. Thereafter, the petitioners filed an application under Order XI Rule 1(10) read with Section 151 of CPC on 11.09.2024, *inter alia*, on the ground that since the petitioner No.2 was unwell, he could not produce the documents in time. The Commercial Court, by an order dated 21.10.2024, has rejected the aforesaid application. Hence, this petition.

5. Learned counsel for the petitioners submitted that the petitioner No.2 was unwell and on account of his ill-health, he could not produce the documents in time. It is also submitted that the case is now fixed for defendants' evidence and the trial Court should be directed to receive the documents filed by the petitioners.

6. We have considered the submissions made by the learned counsel for the petitioners and have perused the record.

7. Order XI Rule 1(10) of CPC provides as under:

“(10) Save and except for sub-rule (7) (c) (iii), defendant shall not be allowed to rely on documents, which were in the defendant’s power, possession, control or custody and not disclosed along with the written statement or counterclaim, save and except by leave of Court and such leave shall be granted only upon the defendant establishing reasonable cause for non-disclosure along with the written statement or counterclaim.”

8. From perusal of the documents annexed by the petitioners, it is evident that the petitioner No.2 was admitted in a hospital on 27.08.2016 and was discharged on 01.09.2016. Thereafter, the petitioners filed the written statement on 30.12.2019. After filing the written statement, the petitioners filed the application under Order XI Rule 1(10) of CPC on 11.09.2024. The aforesaid application has been filed after about five years from the date of institution of the suit for which no sufficient explanation is offered. Under the Commercial Courts Act, 2015, the Commercial Court is required to decide the dispute expeditiously and cannot permit the parties to

protract the proceedings by filing vexatious interlocutory applications. The Commercial Court, in the facts and circumstances of the case, has rightly rejected the application filed by the petitioners. The order passed by the Commercial Court neither suffers from any jurisdictional infirmity nor error apparent on the face of the record. The same does not warrant any interference in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

9. In the result, the civil revision petition fails and is hereby dismissed.

Miscellaneous applications pending, if any, shall stand closed. However, there shall be no order as to costs.

Sd/- V. HARI PRASAD
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. The Special Judge for Trial and Disposal of Commercial Disputes, R.R. District at L.B. Nagar
2. One CC to Sri N Gangadhar, Advocate [OPUC]
3. Two CD Copies

ADK/gh

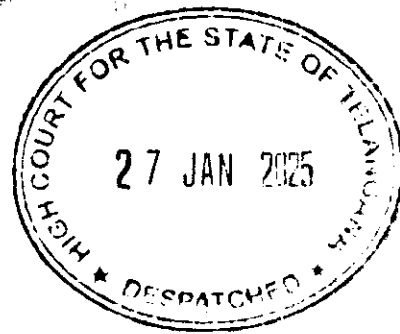


HIGH COURT

DATED:31/12/2024

ORDER

CRP.No.4182 of 2024



**DISMISSING THE CRP
WITHOUT COSTS**

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20/01/25
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