



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF SEPTEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE M.NAGAPRASANNA

WRIT PETITION NO. 23634 OF 2025 (GM-CPC)



BETWEEN:

IFFCO TOKIO GENERAL INSURANCE
COMPANY LIMITED
(COMPANY INCORPORATED ON 08-09-2000
AS PER COMPANIES ACT, 1956)
HAVING ITS REGISTERED OFFICE AT
IFFCO SADAN, C1 DISTT. CENTRE
SAKET, NEW DELHI – 110 017.

AND HAVING OFFICE AT:
"SRI SHANTHI TOWERS",
5TH FLOOR, 3RD MAIN
141, EAST OF NGEF LAYOUT
KATHURINAGAR
BENGALURU – 560 043.

REPRESENTED BY ITS EXECUTIVE
VICE PRESIDENT
MR.P.R.VENUGOPAL

...PETITIONER

(BY SRI KRISHNA KISHORE S., ADVOCATE)

AND:

FICUS PAX PRIVATE LIMITED
A COMPANY INCORPORATED UNDER
COMPANIES ACT, 1956





HAVING ITS REGISTERADE OFFICE AT
SY.NO.68/1, 68/2
PART 120, 121AND 123,
GOKULDAS WAREHOUSING CO.,
HOSAKOTE, CHINTHAMANI ROAD,
BHEEMAKKANAHALLI, HOSKOTE TALUK
HOSAKOTE – 562 122

REPRESENTED BY ITS SENIOR MANAGER
INVENTORY AND PURCHASES
AND DULY AUTHORIZED REPRESENTATIVE,
MR.M.SUDHAKAR.

...RESPONDENT

(BY SRI I.S.DEVAIAH, ADVOCATE FOR C/R)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER
DATED 22.07.2025 MADE ON IA NO.3 FILED BY THE
PETITIONER UNDER ORDER 11 RULE 1 OF CODE OF CIVIL
PROCEDURE ON THE FILE OF THE COURT OF XI ADDITIONAL
DISTRICT AND SESSIONS JUDGE (DEDICATED COMMERCIAL
COURT), BENGALURU RURAL DISTRICT BENGALURU AS PER
ANNEXURE-E.

THIS PETITION, COMING ON FOR PRELIMINARY
HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:



CORAM: **HON'BLE MR. JUSTICE M.NAGAPRASANNA**

ORAL ORDER

The petitioner/defendant-IFFCO TOKIO General Insurance Company Limited (hereinafter referred to as 'the Company' for short) is at the doors of this Court, calling in question an order dated 22-07-2025 passed by the XI Additional District and Sessions Judge, (Dedicated Commercial Court), Bengaluru in Commercial O.S.No.307 of 2024 rejecting an application-I.A.No.III filed by the defendant under Order XI Rule 1 of the CPC, whereby leave was sought to bring forth documents belatedly into the evidentiary fold.

2. Facts adumbrated are as follows:-

The respondent is the plaintiff and the petitioner is the defendant. The plaintiff institutes a commercial suit in Com.O.S.No.307 of 2024 seeking the following prayer:

- “(a) Direct the defendant to admit the plaintiff’s claim under Claim No.11026939 and pay the claim amount of ₹3,70,68,580/- to the plaintiff in terms of the IFFCO-TOKIO Bharat SookshmaUdyam Suraksha Policy bearing No.12343946 issued to the plaintiff by the defendant, along with interest at



the rate of 18% per annum from the date of the claim intimation till the date of payment.”

The issue in the *lis* does not pertain to the merit of the matter. The defendant enters appearance and files the written statement on 14-03-2025. The defendant, after filing of the written statement, also filed statement of admissions and denials, after which, the concerned Court on 5-06-2025 framed issues and posted for case management hearing. On 23-06-2025 PW-1 was examined on behalf of the plaintiff and 36 documents were marked as Exhibits P1 to P36. On 3-07-2025 PW-1 was cross-examined by the defendant. On 15-07-2025 after completion of examination and cross-examination, affidavit evidence of the officer/DW-1 of the defendant was taken and he was examined. After his examination, an application comes to be filed under Order XI Rule 1 of the CPC seeking permission of the Court for production of documents in support of defence evidence. This was objected to by the plaintiff. The concerned Court, by its order dated 22-07-2025, rejects the application and posts the matter for evidence of the defendant. The defendant then



rushes to this Court calling in question the said order rejecting the application under Order XI Rule 1 of the CPC.

3. Heard Sri S.Krishna Kishore, learned counsel appearing for the petitioner and Sri I.S. Devaiah, learned counsel appearing for the respondent.

4. The learned counsel appearing for the petitioner/defendant would submit that the application under Order XI Rule 1 CPC ought to have been permitted, as the documents that the petitioner wanted to produce were imperative, as it would be in counter to the evidence let in by the plaintiff. He would contend that no prejudice would be caused to the plaintiff, if the documents proposed to be produced are brought on record. The documents were concerning certain policies that were issued in the year 2017-18 and they were not placed on record out of inadvertence. He would, therefore, submit that the petition should be allowed and consequently the application so filed.



5. On the converse, the learned counsel appearing for the respondent/plaintiff submits that law requires that all the documents be placed before the Court by the defendant at the time of filing of the written statement or statement of admissions and denial. Fragmented production of documents would truncate the mandate of the law. Therefore, he would submit that the petition be dismissed. Both the learned counsel appearing for the petitioner and the respondent have placed reliance upon several judgments, all of which would bear consideration *qua* their relevance in the course of the order.

6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

7. The fore-narrated facts and link in the chain of events are all a matter of record. However, the dates would require reiteration. They read as follows:

Sl. No.	Dates	Events
1.	19-12-2024	The respondent filed Commercial Original Suit No.307 of 2024 against the petitioner.



2.	15-02-2025	Petitioner filed vakalathnama
3.	14-03-2025	Petitioner filed written statement to the suit
4.	03-04-2025	Petitioner filed statement of admissions and denials.
5.	05-06-2025	Issues were framed and suit was posted for case management hearing.
6.	23-06-2025	Mr. Sudhakar was examined as PW-1 on behalf of the plaintiff and got marked Ex.P1 to P36.
7.	03-07-2025	PW-1 was cross-examined by the defendant
8.	15-07-2025	Affidavit evidence of Mr. S.Krishna, Officer of the defendant was filed and he was examined as DW-1. The petitioner filed application under Order XI Rule 1 of CPC seeking permission of the Court for production of documents in support of their defence evidence. The matter was posted for filing of objections by the plaintiff to the said application filed by the defendant.
9.	17-07-2025	The Advocate for the plaintiff filed objections to the application filed by the defendant seeking permission to file the documents. Arguments on the application were heard from both sides and posted the matter for orders on I.A. filed under Order XI Rule 1 of CPC on 18-07-2024.

A perusal at the dates would indicate that the application is preferred after examination and cross-examination of PW-1 and examination of DW-1. Whether this is permissible to be filed and necessary to be allowed is the core issue. Therefore, I deem it appropriate to notice Order XI Rule 1 of the CPC. It reads as follows:



**"1. Disclosure and discovery of documents.—
(1) Plaintiff shall file a list of all documents and photocopies of all documents, in its power, possession, control or custody, pertaining to the suit, along with the plaint, including:**

- (a) Documents referred to and relied on by the plaintiff in the plaint;
- (b) Documents relating to any matter in question in the proceedings, in the power, possession, control or custody of the plaintiff, as on the date of filing the plaint, irrespective of whether the same is in support of or adverse to the plaintiffs case;
- (c) nothing in this rule shall apply to documents produced by plaintiffs and relevant only—
 - (i) for the cross-examination of the defendant's witnesses, or
 - (ii) in answer to any case setup by the defendant subsequent to the filing of the plaint, or
 - (iii) handed over to a witness merely to refresh his memory.

(2) The list of documents filed with the plaint shall specify whether the documents in the power, possession, control or custody of the plaintiff are originals, office copies or photocopies and the list shall also set out in brief, details of parties to each document, mode of execution, issuance or receipt and line of custody of each document.

(3) The plaint shall contain a declaration on oath from the plaintiff that all documents in the power, possession, control or custody of the plaintiff, pertaining to the facts and circumstances of the proceedings initiated by him have been disclosed and copies thereof annexed with the plaint, and that the plaintiff does not have any other documents in its power, possession, control or custody.



Explanation.—A declaration on oath under this sub-rule shall be contained in the Statement of Truth as set out in the Appendix.

(4) In case of urgent filings, the plaintiff may seek leave to rely on additional documents, as part of the above declaration on oath and subject to grant of such leave by court, the plaintiff shall file such additional documents in court, within thirty days of filing the suit, along with a declaration on oath that the plaintiff has produced all documents in its power, possession, control or custody, pertaining to the facts and circumstances of the proceedings initiated by the plaintiff and that the plaintiff does not have any other documents, in its power, possession, control or custody.

(5) The plaintiff shall not be allowed to rely on documents, which were in the plaintiff's power, possession, control or custody and not disclosed along with plaint or within the extended period set out above, save and except by leave of court and such leave shall be granted only upon the plaintiff establishing reasonable cause for non-disclosure along with the plaint.

(6) The plaint shall set out details of documents, which the plaintiff believes to be in the power, possession, control or custody of the defendant and which the plaintiff wishes to rely upon and seek leave for production thereof by the said defendant.

(7) The defendant shall file a list of all documents and photocopies of all documents, in its power, possession, control or custody, pertaining to the suit, along with the written statement or with its counter-claim if any, including—

- (a) the documents referred to and relied on by the defendant in the written statement;**
- (b) the documents relating to any matter in question in the proceeding in the power, possession, control or custody of the defendant, irrespective of whether the same is in support of or adverse to the defendant's defence;**



- (c) nothing in this rule shall apply to documents produced by the defendants and relevant only—**
- (i) for the cross-examination of the plaintiff's witnesses,**
 - (ii) in answer to any case setup by the plaintiff subsequent to the filing of the plaint, or**
 - (iii) handed over to a witness merely to refresh his memory.**

(8) The list of documents filed with the written statement or counter-claim shall specify whether the documents, in the power, possession, control or custody of the defendant, are originals, office copies or photocopies and the list shall also set out in brief, details of parties to each document being produced by the defendant, mode of execution, issuance or receipt and line of custody of each document;

(9) The written statement or counter-claim shall contain a declaration on oath made by the deponent that all documents in the power, possession, control or custody of the defendant, save and except for those set out in sub-rule (7)(c)(iii) pertaining to the facts and circumstances of the proceedings initiated by the plaintiff or in the counter-claim, have been disclosed and copies thereof annexed with the written statement or counter-claim and that the defendant does not have in its power, possession, control or custody, any other documents;

(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 counter-claim, 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 counter-claim;



(11) The written statement or counter-claim shall set out details of documents in the power, possession, control or custody of the plaintiff, which the defendant wishes to rely upon and which have not been disclosed with the plaint, and call upon the plaintiff to produce the same;

(12) Duty to disclose documents, which have come to the notice of a party, shall continue till disposal of the suit."

(Emphasis supplied)

Order XI Rule 1 CPC deals with disclosure and discovery of documents. Order XI no doubt permits production of documents, but it is regulated by other provisions. Order XI Rule 1(7) mandates that the defendant shall file list of all documents and photo-copies of all the documents, in its power, possession, control or custody pertaining to the suit, along with the written statement or with its counter claim, if any. It includes several documents which are found at sub-rule (7). Order XI Rule 9 mandates that the written statement or counter-claim shall contain a declaration on oath made by the deponent that all the documents in possession, control or custody of the defendant are placed on record. Order XI Rule 10 mandates save in exceptional cases, the defendant shall not be allowed to rely on documents which were in his possession



and custody which are not disclosed along with the written statement and only on granting leave when the defendant establishes reasonable cause for non-disclosure along with the written statement they should be allowed.

8.1. What is reasonable cause is interpreted by the Apex Court in the case of **SUDHIR KUMAR v. VINAY KUMAR G.B.**¹, wherein the Apex Court has held as follows:

"....

9.6. Therefore, a further thirty days' time is provided to the plaintiff to place on record or file such additional documents in court and **a declaration on oath is required to be filed by the plaintiff as was required as per Order 11 Rule 1(3) if for any reasonable cause for non-disclosure along with the plaint, the documents, which were in the plaintiff's power, possession, control or custody and not disclosed along with plaint. Therefore, the plaintiff has to satisfy and establish a reasonable cause for non-disclosure along with plaint. However, at the same time, the requirement of establishing the reasonable cause for non-disclosure of the documents along with the plaint shall not be applicable if it is averred and it is the case of the plaintiff that those documents have been found subsequently and in fact were not in the plaintiff's power, possession, control or custody at the time when the plaint was filed.** Therefore Order 11 Rule 1(4) and Order 11 Rule 1(5) applicable to the commercial suit shall be applicable only with respect to the documents which were in plaintiff's power, possession, control or custody and not disclosed along with plaint. **Therefore, the rigour of establishing the reasonable**

¹ (2021) 13 SCC 71



cause in non-disclosure along with plaint may not arise in the case where the additional documents sought to be produced/relied upon are discovered subsequent to the filing of the plaint."

(Emphasis supplied)

The Apex Court, has illuminated the contours of what constitutes "reasonable cause". The judgment in the case of **SUDHIR KUMAR** (*supra*) was concerning additional documents by the plaintiff, but the observation with regard to reasonable cause would become applicable to the facts obtaining in the case at hand.

8.2. The High Court of Delhi in the case of **BELA CREATION PRIVATE LIMITED v. ANUJ TEXTILES**², holds as follows:

"....

22. Be that as it may. Clearly, even while acknowledging that the invoices, the non-filing with the Written Statement of which the application of the petitioner seeks to justify, the ground urged is that that, though the invoices were on the record of the file with the law firm which had been retained by the petitioner, the earlier Counsel who was handling the case had not filed the invoices in Court. By no stretch of imagination can such a ground be treated as sufficient to justify non-filing of the invoices along with the written statement.

² 2022 SCC OnLine Del 1366



23. Moreover, as the learned Commercial Court correctly held, the written statement and counter-plaint were accompanied by a Statement of Truth, in which it was specifically stated thus:

"6. I say that all documents and the power, possession, control or custody, pertaining to the facts and circumstances of the proceedings initiated by the defendant company has been disclosed and copies thereof next with the list of documents filed with the written statement/counter claim, and that the defendant does not have any other documents in its power, possession and control or custody."

24. In the absence of any averment to the effect that the aforesaid declaration, contained in the Statement of Truth accompanying the written statement and counter-plaint filed by the petitioner, was incorrect, the learned Commercial Court was justified in holding that additional documents, which were in the custody of the petitioner at the time of filing the written statement, could not be permitted to be introduced at a later stage. "Reasonable cause", within the meaning of Order XI Rule 1(10) of the CPC, as amended by the Commercial Courts Act, cannot extend to negligence in filing of documents before the Court. "Reasonable cause", necessarily, must refer to a cause which was outside the control of the petitioner, and which prevented the petitioner from filing the concerned documents along with the written statement.

25. In these circumstances, the decision of the learned Commercial Court not to allow the placing of additional documents by the petitioner, on record, cannot be faulted. No occasion exists for this Court to interfere therewith.

26. In this context, one may also note the fact that the peripheries of the jurisdiction vested in this Court under Article 227 of the Constitution of India are well defined. This Court, exercising jurisdiction under Article 227, does not sit in appeal or revision over the decision of the court below. Nor can this Court, in legitimate exercise of its Article 227 jurisdiction, deal with the litigation



pending before the court below in a manner different from the manner in which the court below has chosen to deal with it, unless the manner in which the court below has dealt with the situation calls for supervisory correction. The Article 227 court supervises; it does not monitor. One may refer, in this context, with advantage, to the judgments in *Estralla Rubber v. Dass Estate (P) Ltd.*, *Garment Craft v. Prakash Chand Goel* and *Puri Investments v. Young Friends & Co.*, the relevant passages of which I have attempt to extract in my recent decision in *Lucina Land Development Ltd. v. Union of India.*"

(Emphasis supplied)

The High Court of Delhi holds reasonable cause must refer to a cause out of control of the petitioner which prevented him from filing the documents in question along with the written statement. The cause cannot extend to negligence in filing documents along with the written statement, if the documents were already in custody.

8.3. The Delhi High Court again in the case of **GREAT GATSBY CLUB OF INDIA v. MAHESH PREFAB PRIVATE LIMITED**³, has held as follows:

"...."

16. Clearly, in proceedings under the Commercial Courts Act, there is an absolute

³ 2022 SCC OnLine Del. 2099



statutory proscription on a defendant being allowed to rely on any documents which were in its power, possession or custody and not disclosed along with the written statement or counter claim, except by leave of the court. The Court is also statutorily proscribed, by Order XI Rule 1(10), from granting leave except where reasonable cause for not filing of the documents along with the written statement or counter claim has been made out.

17. The Supreme Court has reiterated this position, in the following passages from its decision in *Sudhir Kumar*¹:

"31. Therefore a further thirty days time is provided to the plaintiff to place on record or file such additional documents in court and a declaration on oath is required to be filed by the plaintiff as was required as per Order XI Rule 1(3) if for any reasonable cause for non disclosure along with the plaint, the documents, which were in the plaintiffs power, possession, control or custody and not disclosed along with plaint. *Therefore plaintiff has to satisfy and establish a reasonable cause for non disclosure along with plaint.* However, at the same time, the requirement of establishing the reasonable cause for non disclosure of the documents along with the plaint shall not be applicable if it is averred and it is the case of the plaintiff that those documents have been found subsequently and in fact were not in the plaintiffs power, possession, control or custody at the time when the plaint was filed. Therefore Order XI Rule 1(4) and Order XI Rule 1(5) applicable to the commercial suit shall be applicable only with respect to the documents which were in plaintiffs power, possession, control or custody and not disclosed along with plaint. *Therefore, the rigour of establishing the reasonable cause in non disclosure along with plaint may not arise in the case where the additional documents sought to be produced/relied upon are discovered subsequent to the filing of the plaint."*

(Emphasis Supplied)

18. The only ground urged, in the application filed by the petitioner to place additional documents on record, was that, at the time of filing written statement, the petitioner's affairs were being



managed by an earlier management which had not collated the documents. This itself indicates that the documents were within the power, possession and control of the petitioner at that time. Obviously, therefore, in view of the proscription contained in Order XI Rule 1(10) of the CPC, the learned Commercial Court could not have allowed the documents to be brought on record and no exception can, therefore, be taken to the refusal, by the impugned order, to do so."

(Emphasis supplied)

The Delhi High Court holds that Commercial Courts Act was enacted with an endeavour to dispose of commercial disputes expeditiously. Therefore, when there is delay in filing the application for production of additional documents, the defendant is required to prove that the documents were not in possession or that despite due diligence, it could not be filed along with the list of documents appended to the written statement.

8.4. This is again reiterated by the Punjab and Haryana High Court, in a judgment rendered in the case of **M/S BESTECH INDIA PRIVATE LIMITED v. FAKIRA SINGH**⁴, as under:

⁴ CR 1501-2025 decided on 12-3-2025



“....

8. I have given my thoughtful consideration to the issue in hand. Under normal circumstances, the Court would have been inclined to grant one opportunity to the petitioner-defendant to produce the documents mentioned in the application which are essentially stamped and signed audited balance sheets from the financial year 2011-2012 to the financial year 2023-2024. However, **once the provisions of Order 11 Rule 7 and 10 CPC (as applicable to the Commercial Courts) are considered, the irresistible conclusion that one arrives at is that such permission cannot be granted. No doubt, procedure is the hand-maid of justice and normally, one should construe provisions liberally, for, the eventual aim is to render justice. However, the legislature enacted the provisions for the Commercial Courts Act, 2015 (hereinafter referred to as the 'Act') with a specific view in mind. As per the provisions of the Act, an endeavour has to be made to decide commercial disputes within a period of six months. Keeping the said aims and objectives in mind, provisions in CPC, as applicable to the Act were framed.**

....

16. In the considered opinion of this Court, absolutely no reason worth its name was given as to why the said documents were not appended with the written statement. After all, the documents sought to be produced are balance sheets from the year 2011-2012 to the year 2023-2024. It cannot be said that the said documents were not in possession of the petitioner-defendant or that despite due diligence, they were not available. It has to be borne in mind that the evidence of the plaintiffs had already concluded when the application was moved. Still further, it has to be borne in mind and was duly noticed by the Commercial Court, Gurugram that the written statement was filed on 03.03.2022 and, therefore, it could not be said that the balance sheets at least from the year 2011 to 2021 were not available. It was rightly held that even the balance sheets for the year 2023-2024 would also have been in its knowledge and



possession at the time of the case management hearing. Not only this, previously also an application under Order 11 Rule 1 (10) CPC was moved by the petitioner-defendant on 09.11.2023 which was allowed on 11.03.2024. In the said application also, the present documents were not sought to be produced.

17. It has to be borne in mind that the provisions of law are enacted with certain aims and objectives and they cannot be whittled down at the drop of a hat. Litigants have to be aware of the provisions and have to abide by them. Merely granting one opportunity by imposing costs is not the answer to every issue. A line has to be drawn somewhere."

(Emphasis supplied)

9. On a blend of judgments rendered by the Apex Court and that of the High Courts of Delhi and Punjab and Haryana what would unmistakably emerge is that, the defendant is required to produce all the documents in its custody and possession at the time of filing of the written statement particularly, in a commercial suit or depict reasonable cause for not doing so. Mere negligence or inadvertence has been consistently repudiated by the High Courts of Delhi, Punjab and Haryana, as insufficient for justification of reasonable cause. It, therefore, becomes necessary to notice as to what is the document that the defendant wanted to produce through the



application. The affidavit in support of the application reads as follows:

"I, S.Krishna, aged about 29 years, S/o Sri A.K.Suresh, resident of Bengaluru, do hereby solemnly affirm and state as follows;

1) I am working as Senior Executive Non-Motor Claims, in the Defendant's Customer Service Center, at Bengaluru and am well acquainted with the facts of the above suit.

2) I submit that, we had filed the Written Statement in the above suit to the plaint and later on submitted our statement of truth and affidavit of admission/denial on behalf of the defendant. However, we could not produce the documents in support of our defence earlier as the same were in our Corporate Office at Gurugram. Therefore, we could not produce the documents in support of our defence in the above suit at the earliest time.

3) I further submit that, the documents relied on by our company in support of our defence is very much necessary to dispose of the above suit on merits. Therefore, the present application is filed seeking permission of the Hon'ble Court to produce the documents by the defendant in support of our defence.

4) I submit that if the prayer made in the accompanying application is allowed, no harm will be caused to the plaintiff. On the other hand, if the accompanying application is not allowed. our Company will be put to considerable hardship and loss.

WHEREOF I respectfully pray that this Hon'ble Tribunal may be pleased to grant the prayer made in the accompanying application in the interest of justice."

Searching for a reasonable cause in the aforesaid affidavit is akin to searching a needle in a haystack. The



affidavit in support of the application is woefully bereft of particulars. It neither chronicles the nature of documents with clarity nor articulates any cogent reason for their delayed surfacing. The pleading in the affidavit is perfunctory, cryptic and wanting in material. Not even the date of the document that the defendant wanted to produce is mentioned in the affidavit. The documents dated back to 2017-18, they are internal records of the Company itself. It cannot be said to have eluded its possession or control at the time of filing of the written statement in 2025. What stares starkly in the face is negligence and negligence, as law proclaims, can never come under the umbrella of reasonable cause. The order of the concerned Court, thus does not brood any illegality or error apparent for this Court to interfere.

10. There is yet another circumstance that the order is unassailable. The timelines are stipulated in the Commercial Courts Act. The timelines are to be strictly adhered to. The strict adherence to timelines is considered by the High Court of



Delhi in the case of **UNILEC ENGINEERS LIMITED v. HPL ELECTRIC POWER LIMITED**⁵ and held as follows:

"....

12. In commercial suits, the time periods and other formalities stipulated in the Commercial Courts Act are binding and are required to be strictly followed. The primary ground urged by the Petitioner is that the documents sought to be placed on record were essential for confronting the Plaintiff's witness during cross-examination and that their non-filing was due to the COVID-19 lockdowns. However, this explanation is wholly unconvincing in the facts of the present case. The written statement was re-filed in October 2023, well after the COVID pandemic was over and all restrictions had been lifted.

... ..

14. Admittedly, petitioner was in power and possession of additional documents even when the written statement was filed. The Petitioner had full opportunity to file such documents while filing the written statement in 2023 in compliance with this Court's directions in CM(M) No. 990/2023. The mandatory requirements under the Commercial Courts Act, 2015, as well as the Commercial Courts (Pre-Institution Mediation and Settlement) Rules, 2018, and the amended CPC as applicable to commercial disputes, underscore the importance of procedural discipline and adherence to filing timelines.

15. Furthermore, this Court in *Hassad Food Co. Q.S.C. v. Bank of India* (supra), although interpreting the phrase "reasonable cause" under Order XI Rule 1(5), emphasized that even a lower threshold than "good cause" still requires the party to act with due diligence and not as an afterthought. In the present case, the Petitioner

⁵ 2025 SCC OnLine Del 4237



was not only aware of the existence of the documents but failed to use them when the Plaintiff's witness was available for cross-examination. The record shows that PW-1 was cross-examined on 18.12.2023. The submission of the petitioner that his request for grant of time to present a laptop for confronting the witness with the e-mail correspondence was turned down by the trial court is not borne out from the record. The application to place these documents on record was in fact filed on the next day on 19.12.2023, by when, the case had reached the stage of defendant's evidence, thus reinforcing the impression that the application was reactive and lacking in bona fides. The learned Commercial Court had rightly placed reliance on the judgments of this Court in *Anita Chhabra v. Surender Kumar*, (2022) 6 HCC (Del) 83 and *Saregama India Ltd. v. Zee Entertainment Enterprises Ltd.*, 2023 SCC OnLine Del 2437, and is therefore perfectly justified in holding that the documents at this stage cannot be taken on record."

(Emphasis supplied)

The High Court of Delhi was answering a case of the defendant to file certain documents at the time of cross-examination. The Court holds that laxity may be shown in a regular suit but cannot be allowed in a commercial suit, since the object of the Act is to dispose of the commercial suit expeditiously. Allowing further documents on the whim and fancy would defeat the object of the Commercial Courts Act.



11. It is also apposite to refer to the judgment of the Madras High Court in **FIBOX INDIA PRIVATE LIMITED v. GEESYS TECHNOLOGIES (INDIA) PRIVATE LIMITED**⁶ wherein it is held as follows:

"....

10. No reasons, leave alone satisfactory reasons have been set out in the affidavits in support of these applications as to why these voluminous number of documents were not produced earlier, especially when liberty was granted even one year back. The plaintiff's evidence was closed even as early as on 08.03.2024 and therefore, if the documents numbering 83 are allowed to be received in evidence, it would seriously prejudice the interests and rights already accrued to the revision petitioner/plaintiff. The defendants had sufficient time to produce all these documents. Moreso, in a Commercial Suit, the laxity that may be shown to the parties in re-opening and recalling evidence and seeking production of additional documents in a regular suit cannot be shown in a routine manner. The Applicant who chooses to produce additional documents has to make out a strong prima facie case and set out acceptable reasons for non production earlier.

11. Considering that the earlier Application came to be allowed even in I.A. No. 1 of 2024 and even then, the defendants have not availed of an opportunity to produce all relevant documents and subsequently, having filed two Applications in I.A. Nos. 3 and 4 of 2024 and voluntarily withdrawing the said Applications with liberty and such liberty not being exercised diligently and after the suit is posted for the arguments, the defendants have come forward with the Applications to mark 83 additional documents, without absolutely no reasonable cause being shown. **The very object of the Commercial Courts**

⁶ 2025 SCC OnLine Mad 4080



Act, 2015 is to ensure an expeditious trial and disposal of the suits of commercial nature. Such repeated requests of the respondent, approaching the Court at their whims and fancies, seeking to introduce further documents, if accepted, then it would defeat the very object of the Commercial Courts Act.

12. In *Ambalal Sarabhai Enterprises's case*, (referred herein supra), the Hon'ble Supreme Court referring to the statement of objects and reasons of the Commercial Courts Act, 2015 and amendments to Civil Procedure Code and insertion of new Rules to the Code applicable to suits as commercial disputes held that the provisions of the Act required to be strictly construed and liberal interpretation cannot be given as it would defeat the objects of the Act.

13. In *Bela Cretations Private Limited's case* and *Zee Entertainment Enterprises Limited's case*, (referred herein supra), the Delhi High Court held that under Order XI Rule 1(10) of CPC, "Reasonable cause" cannot extend to negligence in filing of documents and it should be necessarily shown by the Applicant that a cause was outside the control of the Applicant and same prevented the Applicant from filing of the documents along with the pleadings."

(Emphasis supplied)

Here again, the High Court of Madras elaborates upon reasonable cause principle and also considers the purport behind the enactment of Commercial Courts Act. The defendant Company has not even shown reasonable cause for non-production of documents in its custody. It is an act of



negligence, laxity or otherwise which cannot mean that the application under Order XI Rule 1 CPC should be permitted.

12. The learned counsel for the petitioner/Company has relied on judgment of the Apex Court in the case of **SUGANDHI v. P.RAJKUMAR**⁷. The said judgment is distinguishable without much *ado*. There can be no doubt that procedure is the handmade of justice. Procedural and technical hurdles shall not be allowed to come in the way of the Court while doing substantial justice. The said judgment, as observed, is not applicable to the case at hand, as it does not concern commercial suit. It was an original suit in O.S.No.257 of 2014. The next judgment referred is in the case of **M.GOUTHAMCHAND v. SANJAY KUMAR**⁸ by the coordinate Bench of this Court, which was rendered on peculiar facts of the case and applications considered were for recall of PW-1 and to reopen the case of the plaintiff. Therefore, the said judgment is not applicable to the facts of the case. The third judgment is, of the Delhi High Court in the case of **NOVATEUR ELECTRICAL & DIGITAL SYSTEMS PRIVATE LIMITED v. V. GUARD**

⁷(2020) 10 SCC 706

⁸ 2024 SCC OnLine Kar 7203



INDUSTRIES LIMITED⁹ which was considering an application under Order XI Rule 1 of the CPC seeking production of certain documents. This again was on the facts obtaining in the said case, as the defendant therein had demonstrated and established reasonable cause. The precedents cited by the counsel for the petitioner notably **SUGANDHI** and **GOUTHAMCHAND** stand on a different footing altogether, as they pertain to non-commercial disputes or rest on peculiar facts wherein genuine cause was established. The present case, *alas*, is barren of such justification.

13. **The Commercial Courts Act was enacted with the legislative intent to streamline and accelerate the adjudication of commercial disputes. To permit litigants to dribble in documents piecemeal, long after pleadings and evidence have progressed, would be to strike at the heart of the legislative command. The High Courts of Delhi and Madras have cautioned that the indulgence that may be extended in ordinary civil suits cannot be replicated in commercial matters.** As observed

⁹ 2025 SCC OnLine Del 552



hereinabove, I am in respectful agreement with those observations. **If indulgence would be shown, the very raison d'être would stand defeated.**

14. In the light of the foregoing analysis, this Court is constrained to conclude that the order of the concerned Court rejecting I.A.No.III filed under Order XI Rule 1 of the CPC is in consonance with law, congruent with precedent and anchored in the policy imperative of expeditious disposal of commercial litigation.

Accordingly, the writ petition, being devoid of merit, stands ***dismissed.***

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

BKP
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