

CRP No. 1807 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-07-2026

CORAM

THE HON'BLE MR JUSTICE ABDUL QUDDHOSE

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AND

CMP NO. 12744 OF 2025

Sri Gokulam Hospital Pvt. Ltd.,
Through its Managing Director K.Arthanari,
3/60, Meyyanur Road,
Meyyanur, Salem – 636 004.

... Petitioner

Vs

M/s.Canadian Crystalline Water India Limited,
Represented by its Vice President,
Mr.N.Balakrishnan,
149, Poonamallee High Road,
Kilpauk, Chennai – 600 010.

... Respondent

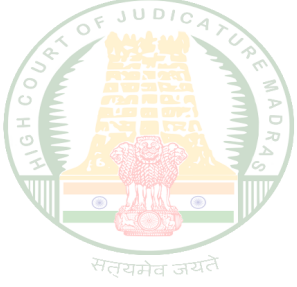
Prayer : Civil Revision Petition is filed under Article 227 of Constitution of India, praying to set aside the impugned order dated 26.03.2025 passed in I.A.No.5 of 2024 in C.O.S.No.516 of 2022 by the Principal Commercial Court Judge, Egmore, Chennai and permit the petitioner to file Additional Written Statement in the interest of justice.

For Petitioner:

Ms.P.Veena Suresh

For Respondent:

Mr.Anupam Raghuraman

**ORDER**

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The primary issue that arises for consideration in this Civil Revision Petition is whether an application seeking leave of the Commercial Court to file additional written statement in a Commercial suit is maintainable under Order VIII Rule 9 CPC.

2. In the impugned order dated 26.03.2025 passed in I.A.No.5 of 2024 in C.O.S.No.516 of 2022, the Principal Commercial Court at Egmore, Chennai dismissed the application filed by the petitioner/defendant under Order VIII Rule 9 CPC, seeking leave of the Commercial Court to file additional written statement. According to the petitioner, the signature of the petitioner found in document No.2 and 3 filed along with the plaint are forged signatures, which was noticed by them only subsequent to the filing of the written statement and therefore, there was a necessity for them to seek leave of the Commercial Court to file additional written statement to include the plea of forgery. Under the impugned order, the application filed by the petitioner seeking leave of the Commercial Court has been dismissed on the ground that, since the written statement was filed as early as on 05.08.2022, entertaining the application filed by the petitioner at such a belated stage will not arise. The Commercial Court



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has also held that the application filed by the petitioner to include the averments relating to the document Nos.2 and 3 filed along with the plaint is unnecessary and if entertained, it will lead to delay in the disposal of the suit. The Commercial Court has also taken note of the fact that the plaint documents, which are disputed by the petitioner were already filed by the respondent/plaintiff along with the suit.

3. Learned counsel for the petitioner would submit that an application filed under Order VIII Rule 9 CPC before the Commercial Court seeking leave of the Commercial Court to file additional written statement is maintainable, since there is no statutory prohibition under the Commercial Courts Act, 2015 to file such an application. According to her, the special provisions applicable to Commercial Courts Act has not excluded the applicability of Order VIII Rule 9 CPC, which enables the parties to seek leave of the Court to file additional written statement. She drew the attention of this Court to the written statement filed by the petitioner and would submit that, since a specific plea of forgery was not taken in the said written statement, which goes to the crux of the matter in hand, there became a necessity for the petitioner to file an application under Order VIII Rule 9 CPC seeking leave of the Commercial Court to file additional



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written statement. She also drew a comparison between the purchase order filed by the respondent along with the plaint and the purchase order placed by the petitioner on the respondent. She would submit that in the purchase order placed by the petitioner on the respondent, the terms and conditions of sale were attached, but in the purchase order produced by the respondent along with plaint, the terms and conditions of sale has not been attached. She would also submit that in the purchase order placed by the petitioner on the respondent, the signature could not be found in the first page of the purchase order, whereas in the purchase order filed by the respondent along with the plaint the alleged signature of the petitioner could be found. Further, she would submit that there are several discrepancies between the two documents and therefore, she would submit that the respondent has fabricated and forged the purchase order for the purpose of filing the suit against the petitioner. The said contention is disputed by the learned counsel for the respondent. He would submit that the application filed by the petitioner seeking leave to file additional written statement has been rightly dismissed by the Commercial Court while giving correct reasons.

4. Learned counsel for the petitioner also relied upon a judgment of the Delhi High Court in the case of *Novartis AG & Anr. Vs. NATCO Pharma*

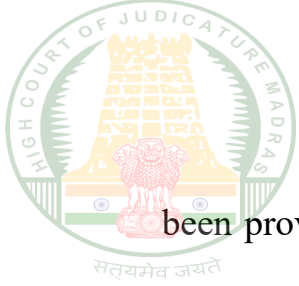


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Limited reported in **2025 SCC OnLine Del 27** and would submit that the Delhi High Court in the aforesaid decision had entertained an application under Order VIII Rule 9 CPC by granting leave to the defendant to file additional written statement in a Commercial Suit. However, the learned counsel for the respondent would submit that the decision relied upon by the learned counsel for the petitioner referred to supra has no bearing to the facts of the instant case, since there was no suppression of material facts by the respondent in the suit, which was the case in the Delhi High Court decision.

Discussion:

5. Admittedly, the suit filed by the respondent is a Commercial Suit. The object of the Commercial Courts Act is for the speedy disposal of Commercial disputes. Under the Commercial Courts Act, aggrieved by any interlocutory order passed by a Commercial Court, a revision petition is not maintainable as per the provisions of Section 8 of the Commercial Courts Act. Even though this revision petition may have been filed under Article 227 of the Constitution of India, it is settled law that the High Court will have to exercise its supervisory powers under Article 227 of the Constitution of India cautiously. Under the Commercial Courts Act, to avoid procedural delays, several safeguards have



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been provided to a party to a commercial dispute with regard to the inspection and production of documents, which is not provided under the Code of Civil Procedure as applicable for regular civil suits. The following are the special safeguards provided under the Commercial Courts Act with regard to inspection and production of documents:-

- a) *Order XI Rule 12 CPC* makes it clear that there is a duty to disclose documents, which have come to the notice of a party and the said duty shall continue till the disposal of the suit.
- b) Under *Order XI Rule 3 CPC*, which deals with inspection of documents once again empowers the parties to a Commercial suit to inspect the documents, which have been filed in the Commercial suit.

6. *Order XI Rule 3 CPC* as applicable to the Commercial Courts Act, 2015 is reproduced hereunder :-

Inspection:

“(1) All parties shall complete inspection of all documents disclosed within thirty days of the date of filing of the written statement or written statement to the counterclaim, whichever is later. The Court may extend this time limit upon application at its discretion, but not beyond thirty days in any event.

(2) Any party to the proceedings may seek directions from the Court, at any stage of the proceedings, for inspection or



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production of documents by the other party, of which inspection has been refused by such party or documents have not been produced despite issuance of a notice to produce.

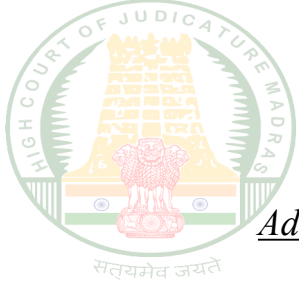
(3) Order in such application shall be disposed of within thirty days of filing such application, including filing replies and rejoinders (if permitted by Court) and hearing.

(4) If the above application is allowed, inspection and copies thereof shall be furnished to the party seeking it, within five days of such order.

(5) No party shall be permitted to rely on a document, which it had failed to disclose or of which inspection has not been given, save and except with leave of Court.

(6) The Court may impose exemplary costs against a defaulting party, who wilfully or negligently failed to disclose all documents pertaining to a suit or essential for a decision therein and which are in their power, possession, control or custody or where a Court holds that inspection or copies of any documents had been wrongfully or unreasonably withheld or refused.”

7. Similarly, under the Commercial Courts Act, the parties have to submit a statement of admission or denial of all documents disclosed of which inspection has been completed. Order XI Rule 4 CPC, as applicable to Commercial Courts Act, which deals with admission and denial of documents is also reproduced hereunder :-



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Admission and denial of documents :

“(4) Any party may however submit bare denials for third party documents of which the party denying does not have any personal knowledge of, and to which the party denying is not a party to in any manner whatsoever.

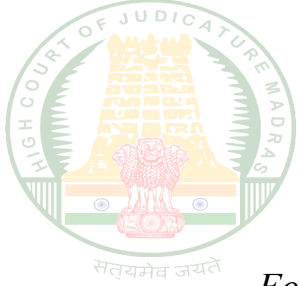
(5) An affidavit in support of the statement of admissions and denials shall be filed confirming the correctness of the contents of the statement.

(6) In the event that the Court holds that any party has unduly refused to admit a document under any of the above criteria, --costs (including exemplary costs) for deciding on admissibility of a document may be imposed by the Court on such party.

(7) The Court may pass orders with respect to admitted documents including for waiver of further proof thereon or rejection of any documents.”

8. In order to enable a party to inspect documents filed by either party, the other party can seek assistance of Order XI Rule 5 CPC as applicable to the Commercial Courts Act also which is reproduced hereunder :-

“5. Production of documents. --(1) Any party to a proceeding may seek or the Court may order, at any time during the pendency of any suit, production of any party or person, of such documents in the possession or power of such party or person, relating to any matter in question in such suit.



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(2) Notice to produce such document shall be issued in the Form provided in Form No.7 in Appendix C to the Code of Civil Procedure, 1908 (5 of 1908).

(3) Any party or person to whom such notice to produce is issued shall be given not less than seven days and not more than fifteen days to produce such document or to answer to their ability to produce such document.

(4) The Court may draw an adverse inference against a party refusing to produce such document after issuance of a notice to produce and where sufficient reasons for such non-production are not given and order costs.”

9. When adequate protection/safeguards have been given to a party in a Commercial suit to obtain documents which are not in their custody, the reason given by the petitioner for filing application under Order VIII Rule 9 CPC seeking leave of the Commercial Court for filing additional written statement cannot be accepted by this Court. The Commercial Courts Act has fixed strict, timelines for filing the written statement. The written statement will have to be filed within 30 days from the date of receipt of the suit summons and the said time limit can be extended only for a further period of 90 days, but not more, that too only through an application seeking condonation of delay with valid reasons. When strict timelines have been fixed under the Commercial Courts



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Act for filing written statement and when adequate safeguards have been provided under the Commercial Courts Act for a party to obtain documents from the opposite party or from the Court, the question of granting leave by the Commercial Court to file additional written statement does not arise at all, as it will only defeat the object of the Commercial Courts Act, which is, speedy disposal of Commercial disputes. If applications akin to the nature of applications filed by the petitioner which has been rightly dismissed by the Commercial Court are allowed to be entertained, then in every Commercial suit, if a defendant in the Commercial suit wants to delay the disposal of the said suit will start filing applications seeking leave to file additional written statement, which will entirely defeat the very objective of the Commercial Courts Act, which is the speedy disposal of Commercial disputes.

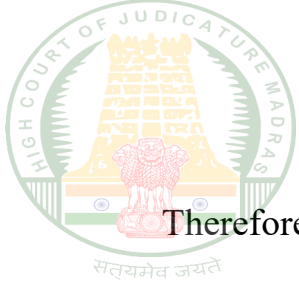
10. In the case on hand, it is to be further noticed that the respondent is not admitting the contentions of the petitioner that the purchase order produced by the respondent and filed along with the plaint is a fabricated and forged document. When the contentions of the petitioner that document No.2 and 3 filed along with the plaint are fabricated and forged documents is disputed by the respondent, necessarily, the said contention can be decided only after trial



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and for that purpose, leave cannot be granted by the Commercial Court to the petitioner to file additional written statement to include the plea of forgery. In fact, as seen from the written statement filed by the petitioner at the first instance, the petitioner has specifically denied the execution of the plaint documents by the petitioner in favour of the respondent. Therefore, when the petitioner has denied the execution of plaint documents, the plea of forgery can also be raised by the petitioner at the time of cross-examination of the respondent's witness and during the arguments in the main suit.

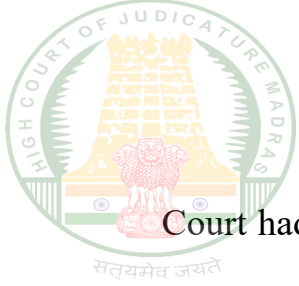
11. The decision of the Delhi High Court relied upon by the learned counsel for the petitioner in the case of *Novartis AG & Anr. Vs. NATCO Pharma Limited* reported in *2025 SCC OnLine Del 27* with due respect to the Delhi High Court has only got persuasive value for this Court. Moreover, in the said decision, it was a case of suppression of documents, which came to the knowledge of the defendant subsequent to the filing of the written statement, but in the instant case, the petitioner has filed the application seeking leave of the Commercial Court to file additional written statement on the ground that in the original written statement filed by the petitioner, a specific plea of forgery was not pleaded, though the respondent did not suppress any material fact as the disputed documents were in fact filed along with the plaint by the respondent.



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Therefore, the facts in the decision of the Delhi High Court and the facts of this instant case are totally different.

12. When the Commercial Courts Act has provided several safeguards/protection for a party to the Commercial suit to obtain documents from the opposite party, for this Court to hold that an application seeking leave of the Commercial Court to file additional written statement is maintainable, will completely defeat the object of the Commercial Courts Act, which is for speedy disposal of Commercial disputes. The safeguards/protection to the parties provided under the Commercial Courts Act with regard to production of documents are not available under CPC for a regular civil suit. The legislature thought it fit to provide those safeguards with regard to the production of documents only to avoid procedural delays in the disposal of the Commercial suit under the said Act. If leave was granted by the trial court, the petitioner would have been able to achieve indirectly what they could not achieve directly as the Commercial Courts Act makes it clear that the written statement cannot be filed beyond the maximum period of 120 days from the date of receipt of the suit summons. The object of the Commercial Courts Act, which is the speedy disposal of Commercial suits would have been defeated if the Commercial



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Court had allowed the application filed by the petitioner under Order VIII Rule

9 CPC.

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13. The Commercial Courts Act, 2015 is a self-contained code. It provides a comprehensive and exhaustive framework with distinct timelines, procedural rules, and appeal mechanisms specifically designed to ensure speedy adjudication of commercial disputes.

14. Section 21 of the Commercial Courts Act establishes the “over riding effect” of the legislation. It dictates that the provisions of the Act will prevail over anything inconsistent in any other law or instrument. The Act serves as a special statute if there is a conflict between its procedure (such as limitation period, evidence, discovery or appeal framework) and general laws like the Code of Civil Procedure (CPC), and the Commercial Courts Act takes precedence, in disputes of commercial nature.

15. Order VIII Rule 9 of the CPC governs subsequent pleadings. It specifies that no pleading after the defendant’s initial written statement can be filed without the Court’s express leave, but the leave of the Court is not required



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if the plaintiff is simply filing a defence against a set-off or counter claim raised in the defendant's written statement.

16. Under the Commercial Courts Act, the maximum time limit for filing a written statement is 120 days from the date of service of suit summons. The defendant must ordinarily file the written statement within 30 days. If the defendant fails to file within 30 days, the Commercial Court may allow it to be filed within the extended period of additional 90 days, provided valid reasons are recorded in writing by the Commercial Court. If the written statement is not filed within 120 days, the defendant forfeits their right to file it and the Court cannot extend the deadline under any circumstances. This strict 120 day rule also applies to a plaintiff in filing a reply statement in response to a defendant's counter claim.

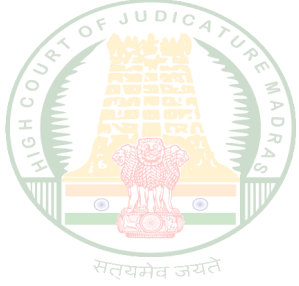
17. An application under Order VIII Rule 9 of CPC is filed in a regular civil suit when a party needs to present subsequent pleadings (such as rejoinder, reply or additional written statement), after the initial written statement has been submitted. The leave as prescribed under VIII Rule 9 CPC cannot be granted to a party as a matter of right. The party seeking leave under Order VIII Rule 9



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CPC should not seek such leave to introduce an entirely new or contradictory plea that prejudices the plaintiff. The relief granted under Order VIII Rule 9 CPC is a discretionary relief applicable to regular civil suits and not to commercial suits and even in civil suits of non-commercial nature, the said power has to be exercised by the court with caution. The applicant must show reasonable cause for not having raised the plea earlier and ensure that it is not merely a tactic to delay the proceedings. The subsequent pleadings cannot also be disguised as a completely new suit or an attempt to completely retract the earlier stand taken.

18. Therefore, it is clear that even for a regular civil suit, which is not a Commercial suit, a defendant cannot file an additional written statement as a matter of right. In fact, the proviso to Order VIII Rule 9 CPC, which is applicable to regular civil suits to protect the rights of a party whenever a set-off or counter-claim is pleaded, makes it clear that there is no requirement to obtain leave of the Court under Order VIII Rule 9 CPC for such situations. If in a commercial suit, the defendant is allowed to file an application under Order VIII Rule 9 CPC, and seeks leave to file additional written statement, the object of the Commercial Courts Act, namely speedy disposal of the Commercial suits will get defeated.



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19. However, the Commercial Court may *suo-motu*, in the interest of justice, require the defendant to file additional written statement if the need arises to unearth the truth and may also direct the defendant to file additional written statement without a leave application under certain exigencies by exercising its inherent powers u/s 151 CPC and the examples of those exigencies are as follows :-

(a) Responding to an Amended plaint : If the plaintiff formally amends their original plaint, the defendant has a legal right to file an additional written statement addressing the new or amended claim without seeking special permission.

(b) By Court direction : The Court itself may demand an additional written statement at any time in the interest of justice and fix a time limit for its presentation.

(c) Substitution of legal heirs : When a defendant is dead, his/her legal representatives can be directed to file an additional written statement by the Commercial Court, if the need arises, but in the additional written statement to be filed by the legal representatives, they have to strictly adopt to the defences raised by the original defendant in the written statement and they cannot raise a new inconsistent plea that the original defendant never took.

20. Section 151 of the CPC preserves the inherent power of the Courts in India. It enables the Court to make necessary orders to secure the “ends of



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justice” or to prevent the “abuse of the process of the Court”, even when a specific procedural rule does not cover the situation. The powers are inherent because they are naturally assumed to belong to the Court, and forming an exhaustive definition of them is impossible. The only restriction is that Section 151 CPC cannot be exercised to contradict or bypass existing provisions of the Commercial Courts Act. The above referred exigencies do not contradict the provisions of the Commercial Courts Act.

21. Further, it is to be noted that Article 227 of the Constitution of India has to be sparingly exercised by the High Courts. The case on hand does not come under the category of a “grave error” having been committed by the Commercial Court for this Court to exercise jurisdiction under Article 227 of the Constitution of India. Therefore, even on that ground as well, this Court is not entertaining this civil revision petition as this civil revision petition has been filed under Article 227 of the Constitution of India. This Court does not find any infirmity in the impugned order passed by the Commercial Court.

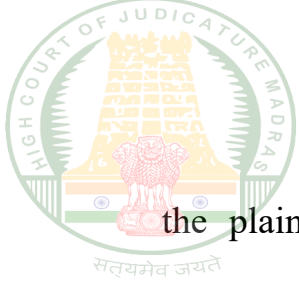
22. Since the petitioner has disputed the execution of the plaint documents in its written statement filed at the first instance, the petitioner has



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got the right to raise the plea of forgery at the time of cross-examination of the respondent's witnesses as well as in the arguments in the main suit. Their right to raise the plea of forgery has also not been defeated by the dismissal of the application seeking leave of the Commercial Court to file additional written statement.

23. In the result, there is no merit in this civil revision petition. Accordingly, this Civil Revision Petition filed under Article 227 of Constitution of India is dismissed by this Court by making it clear that Order VIII Rule 9 CPC does not apply to Commercial suits, but the Commercial Court is having the inherent power u/s 151 CPC to require the defendant to file additional written statement without a leave application only under certain exigencies in the interest of justice and a few of those exigencies are also culled out in paragraph No.19 of this order. However, it is made clear that the petitioner/defendant has the right to raise the plea of forgery before the Commercial Court (trial court) at the time of cross-examination of the respondent's witnesses as well as in the arguments in the main suit, since the petitioner/defendant has already taken a plea in their written statement filed at the first instance that the documents filed by the respondent/plaintiff along with



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the plaintiff have not been executed by them. No costs. Consequently, the connected miscellaneous petition is closed.

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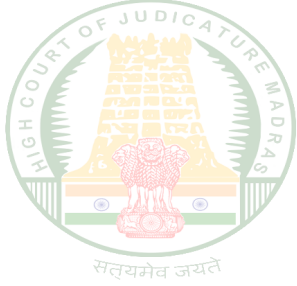
Speaking order

Neutral Citation: Yes

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To

The Principal Commercial Court,
Egmore, Chennai.



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ABDUL QUDDHOSE J.

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