



\$~62

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: 07th July, 2025***

+ CM(M) 163/2025 & CM APPL. 4836/2025

M/S TULIKA ENGINEERS PVT. LTD.Petitioner

Through: Mr. Kunal Sinha, Adv.

versus

M/S ALLIED TUBES PVT. LTD.Respondent

Through: Ms. Jagriti Jain, Mr. Parthesh

Bhardwaj, Ms. Reeya Khanna and Mr.

Sparsh Saxena, Advs.

CORAM:

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The petitioner is defending a suit which is commercial in nature.
2. Once the pleadings were complete, an application was moved from the side of the plaintiff (respondent herein) under Order XI Rule 1(5) CPC, seeking leave of the Court to file certain additional documents i.e. Bank Statement, Bilty and e-way bills. The application was opposed by the defendant claiming that these were, merely, filed to fill up lacuna.
3. However, the learned Trial Court, keeping in mind the fact that the case was at the initial stage as issues had not yet been framed and also while observing that the documents were necessary for deciding the controversy between the parties, has allowed the abovesaid application on 13th November, 2024.
4. Such order is under challenge.
5. Admittedly, the application was moved when the issues had not been framed. Learned Trial Court also formed an opinion that such documents



were necessary for deciding the controversy between the parties.

6. Evidently, learned Trial Court has, merely, exercised its discretionary power and has permitted the application moved by the plaintiff under Order XI Rule 1(5) CPC and since, there does not appear any illegality or perversity in exercise of such discretionary power, this Court is not inclined to interfere with the impugned order.

7. Though, ideally speaking, the plaintiff should have placed on record all these documents in the beginning, fact remains that the suit in question is commercial in nature and interference by invocation of Article 227 of Constitution of India has to be under exceptional circumstances, which do not exist here. Reference be made *Black Diamond Trackparts (P) Ltd. v. Black Diamond Motors (P) Ltd.*, (2022) 1 HCC (Del) 737 wherein this Court observed as under:-

“5. Before proceeding further, it may be noted that the power under Article 227 of the Constitution of India being one of judicial superintendence cannot be exercised to upset conclusions, howsoever erroneous they may be, unless there was something grossly wrong or unjust in the impugned order shocking the court’s conscience or the conclusions were so perverse that it becomes absolutely necessary in the interest of justice for the court to interfere. The powers under Article 227 will be used sparingly. The Supreme Court has observed in *Pipe Fitting Co. v. Fakhruddin M.A. Baker* (1977) 4 SCC 587 and in *Mohd. Yunus v. Mohd. Mustaqim* (1983) 4 SCC 566 that the supervisory jurisdiction conferred to the High Courts under Article 227 of the Constitution of India is limited to overseeing that an inferior court or tribunal functions within the limits of its authority and is not meant to correct an error, even if apparent on the face of the record. A mere wrong decision without anything more is not enough to attract this jurisdiction. Even in the judgment relied upon by the learned senior counsel for the respondent/plaintiff mentioned above, the Division Bench of this court has again cautioned that Article 227 of the Constitution of India be used sparingly in such suits which under the CPC are revisable and which remedy has been taken away by the Commercial Courts Act, 2015, in order to preserve the legislative intent and give effect to the



2025-DHC:5388



purpose behind the Commercial Courts Act, of expeditious disposal of commercial suits.”

(emphasis supplied)

8. Finding no merit or substance in the present petition, same is accordingly dismissed in *limine*.
9. Pending application also stands disposed of in the aforesaid terms.

(MANOJ JAIN)
JUDGE

JULY 7, 2025/gunn/js