

## CHAPTER XV

### COMMERCIAL CAUSES

**228. What are commercial causes?** – Commercial causes include causes arising out of the ordinary transactions of merchants, bankers and traders whether of a simple or complicated nature and amongst others, causes relating to the construction of mercantile documents, export or import of merchandise, affreightment, carriage of goods by land, insurance, banking and mercantile agency and mercantile usages. Suits relating to infringement of trade marks, patents and designs and passing of actions shall be treated as commercial causes.

Suits relating to purchases and sales between merchants or traders on the one hand and manufactures on the other hand in respect of goods which are normally purchased and sold by the manufactures in the ordinary course of their business as manufactures shall also be treated as commercial causes.

**229. Lodging of plaints.** - All plaints intended to be treated as commercial causes shall be lodged in the ordinary way as provided in Chapter IV and the Writ of Summons in Form No. 9 shall be served on the defendant.

**230. Transfer to List of Commercial Causes.** - When the suit appears on the board of the Judge in Chambers for directions, any party may apply to the Judge for an order that the suit be transferred to the list of Commercial Causes. On the hearing of such application, the Judge may transfer the suit to the list of Commercial Causes and may give such further directions as he may deem necessary.

**231. Transfer of summary suits to Commercial List.** – At the hearing of a Summons for Judgment in a Summary suit, the Judge may, if he grants leave to the defendant to defend, transfer the suit to the list of Commercial Causes.

**232. List of Commercial Causes.** - A separate list shall be maintained of suits which have been transferred to the list of Commercial Causes.

**233. Interlocutory orders with a view to have speedy determination of the suit.**- When making the order for transfer, the Judge may make such order as he thinks fit for the speedy determination of the suit, the avoidance of multiplicity of interlocutory proceedings and the avoidance of expense and delay which might arise from the issue of commissions to take evidence or otherwise. More particularly he may pass orders for any of the following matter:-

- (a) dispensing with further pleadings, or for trial on the notes taken by him of the questions raised before him by the parties or on any points agreed upon between them and approved by him or on mutual admissions or agreed statements of fact;
- (b) the admission of any document or fact and payment by the party refusing the costs of proving any such document or fact;
- (c) evidence of any fact to be proved by the affidavit of a witness or by production of documents or entries in books or by copies of documents or entries or otherwise on such conditions as he may think reasonable;
- (d) affidavits of documents and orders for costs of non-disclosure of any material document in such affidavit;
- (e) interrogatories or particulars;
- (f) mode and time of trial including the decision of preliminary points of law or fact.

**234. Rules 158 and 159 to apply to suits to be transferred to commercial list.**

The provisions of rule 158 and 159 shall apply to suits proposed to be transferred to the list of Commercial Causes.

**235. Rules 90 and 160 to apply to suits transferred to commercial list.** – The provisions of Rules 90 and 160 shall apply to suits which have been transferred to the list of Commercial Causes.

**236. Decision of Judge may by consent be final.** - The parties may, if they so desire, agree in writing to be signed by them or their Advocates on record that the judgment or decision of the Judge in any suit shall be final.

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