UPLOADED ON 24.02.2026

IN THE COURT OF PRINCIPAL COMMERCIAL COURT,
EGMORE, CHENNAI

Present: Thiru. S.GANAPATHISAMY B.A.B.L
Principal Judge,

Dated this 24th day of February 2026 Tuesday

I.A.No.1 / 2025 in C.O.S. No.222 / 2023

M/s. Malabar Hotels Private Limited,
represented by its Director,
Mr. Sarang Sudhakar Kale,
having its registered office
at No.1/238,,
Old Mahabalipuram Road,
Semmancherry,
Chennai – 600 119. Petitioner/Defendant

-Versus-

M/s. Vijayalakshmi Enterprises,
a partnership firm,
Represented by its partner
Mr. Vipul Mehta,
having office at
No.12, Wallace Garden, 2nd street
Thousand Lights,
Chennai – 600 006. Respondent/plaintiff

This Petition coming for final hearing on 24.02.2026 before me in the presence of M/s. King and Partridge, learned counsel for the petitioner/defendant and upon perusing the documents and hearing the arguments of petitioner/defendant side and having stood over for consideration till this day and this court today delivers the following:

ORDER

The counsel for the petitioner/defendant is present. Respondent/plaintiff called absent. No representation of respondent side. Counter not filed. Heard. Documents perused. The petitioner/defendant has filed this petition under section 5 of the Limitation Act read with section 151 of C.P.C to condone the delay of 65 days in taking steps to set aside the exparte decree dated 19.08.2024 passed against the petitioner/defendant for his non appearance inter alia alleging that since petitioner/defendant faced several proceedings under SARFAESI Act, he could not participate in this suit proceedings and an exparte decree came to be passed. Summons was not served on the petitioner/defendant. Therefore, as per the order of this Court, paper publication was effected and the defendant was set exparte and an exparte decree came to be passed. The reason for delay of 65 days in filing the petition to set aside the exparte decree dated 19.08.2024 is sufficient. Considering the facts and circumstances of the case, this petition will be allowed on payment of cost Rs.4,000/- to Chennai District Mediation Centre on or before 12.03.2026 failing which this petition will stand dismissed. Call on 13.03.2026.

In the result, this petition will be allowed on payment of cost Rs.4,000/- to Chennai District Mediation Centre on or before 12.03.2026 failing which this petition will stand dismissed. Call on 13.03.2026.

Dictated by me to the Steno-Typist, transcribed and typed by him in the computer, corrected and pronounced by me in the open court, this 24th day of February 2026.

GANAPATHI SAMY

Digitally signed by GANAPATHI SAMY
Date: 2026.02.24 17:14:33 +0530

Principal Judge
Principal Commercial Court
Egmore, Chennai.

Draft/ Fair Order in
I.A.No. 1 of 2025
in
C.O.S.No.222 /2023
Date: 24.02.2026

Principal Commercial Court,
Egmore, Chennai.