UPLOADED ON 24.03.2026

IN THE COURT OF PRINCIPAL COMMERCIAL COURT,
EGMORE, CHENNAI

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

Dated this 24th day of March 2026, Tuesday

I.A.No. 3 of 2025 in C.O.S. No. 270 / 2023

1. M/s. Shroff Property Developers,
No.242, Pantheon Road,
Fountain Plaza,
Egmore,
Chennai – 600 008.
Represented by its Partner shroff.

2. Mr. Praveen Shroff
partner M/s. Shroff Property Developers,
No.242, Panthenon Road,
Fountain Plaza,
Egmore,
Chennai – 600 008. Petitioners/Defendants

Versus

M/s.SPA Housing and Constructions
Old No.214 New No.895,

Max Worth Nagar,
S.Kolathur,
Kovilambakkam,
Chennai – 600 117.
Represented by its Managing Partner,
B. Shanmugavelu. Respondent/plaintiff

This Petition coming on 27.02.2026 for final hearing before me in the presence of M/s. Hethav Ramkumar, the learned counsel for the petitioners/defendants; of M/s.Paul and Paul, J. Hudsen Samuel and partners, learned counsels for respondent / plaintiff and upon perusing the documents and hearing the arguments of both side and having stood over for consideration till this day, this court today delivers the following:

ORDER

The Petitioner/defendants have come forward with this application under Section 5 of the Limitation Act read with Section 151 of Civil Procedure Code seeking for condonation of 28 days in filing review application and to stay the operation of the decree and judgment dated 09.09.2024 till disposal of the review application.

The averments of the affidavit filed in support of this application are shortly as follows :

1. The Respondent/plaintff had filed the suit for recovery of sum of Rs.18,35,414/- with interest and Rs.10,00,000/- as damages contending that the defendants failed to

make payments, whereas the defendants contended that the plaintiff has failed to complete the project as undertaken by them. This Court pronounced judgment and decree on 09.09.2024 directing the defendants to pay the plaintiff a sum of Rs.6,60,546/- with interest at the rate of 9% per annum. The petitioners perused the judgment uploaded in the website and they could obtain certified copy on 06.03.2025. The petitioners have filed review application to review the judgment and decree passed by this Court on 09.09.2024. As the authorised signatory of 1st petitioner was travelling abroad, the petitioners could not file the review application within 30 days and there was a delay of 28 days in filing the review application. Since the petitioners have assailed the judgment and decree on the various grounds raised in the review application, the operation of decree shall be stayed till the disposal of review application.

2. The respondent/plaintiff has confined his counter affidavit only for the condonation of delay without going into the merits of the review application and other allegations made in the affidavit. The Petitioners have to prove reason for condonation of delay and the petitioners have filed this application only to prevent the respondent from enjoying the fruits of decree and therefore the operation of the decree shall not be stayed.

The point for consideration in this application is

3. Whether there is sufficient reason for condonation of delay of 28 days in filing the review application?

4. When the application was taken up for enquiry on 27.02.2026, though the counsel for petitioners appeared through VC and the counsel for the respondent was present, both the counsels did not come forward to argue on this application. Therefore, this Court reserved this application for orders.

5. The respondent/plaintiff had filed the main suit before the Hon'ble High Court for recovery of suit claim and thereafter this case was transferred to City Civil Court, then to this Court, since the transaction involved in this case is commercial in nature. This Court passed its decree and judgment on 09.09.2024 on merits. The petitioners want to review the judgment on the grounds raised in review application. There is delay of 28 days in filing the review application according to the petitioners. The judgment was made available on 09.09.2024 itself. The petitioners have also perused the judgment in the website and therefore there is no impediment for them to file the review application immediately. The reason that the authorised signatory of 1st defendant had gone abroad is sufficient reason for non filing of this appication within the time. This application ought to have been filed before 08.10.2024, but was filed only on 19.06.2025. Though the petitioners wants to challenge the judgment and decree without preferring an appeal by way of review application, the execution of the decree cannot be stayed. But this Court thinks fit to give an opportunity to argue on review application by condoning the delay. At the same time, petitioners cannot be permitted to protract the proceedings.

In the result, this petition is dismissed in respect of interim stay of operation of decree dated 09.09.2024 till disposal of review application. The delay will be condoned on payment of cost of Rs.15,000/- by the petitioners to the respondent on

or before 06.04.2026 failing which the application stand dismissed. Call on 07.04.2026.

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

GANAPATHI SAMY

Digitally signed by GANAPATHI SAMY
Date: 2026.03.24 18:19:29 +0530

Principal Judge
Principal Commercial Court
Egmore, Chennai.

Draft/ Fair Order in
I.A.No. 3 of 2025
in
C.O.S.No.270 of 2023
Date: 24.03.2026

Principal Commercial Court,
Egmore, Chennai.