UPLOADED ON 10.04.2026

IN THE COURT OF PRINCIPAL COMMERCIAL COURT,
EGMORE, CHENNAI

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

Dated this 10th day of April 2026, Friday

I.A.No. 3 / 2025 in C.O.S. No.177 / 2023

M/s. S.S. Traders,
Represented by its Proprietor,
Mr. B. Shanmugasundaram,
No.6/136, Vandipathai Road,
Near Punjab National Bank,
Ekkattuthangal,
Chennai – 600 032. Petitioner/ Plaintiff

-Versus-

M/s. Sabarivasan Hardwares,
Represented by its Proprietor
Mr.Ponsingh,
No.888/788 M.T. H Road,
Padi, Chennai – 600 050. Respondent/Respondent

This Petition coming on this day for final hearing on 25.02.2026 before me in the presence of M/s. R. Dhanasekar, G.Kalaivani and S. Sumitha, learned counsels for the petitioner/plaintiff; M/s. Kannammai, learned counsel for the respondent/defendant and upon perusing the documents and hearing the arguments of respondent/defendant and having stood over for consideration till this day, this

court today delivers the following:

ORDER

1. The petitioner / plaintiff has filed this application Under 9 Rule 9 CPC to restore the suit dismissed for default on 09.06.2025 for non appearance of PW1 cross examination interalia alleging that when the case was posted on 09.06.2025 the petitioner / plaintiff could not appear before this court due to ill health condition of his mother and in spite of his counsel informing this court of the reason, this court dismissed the suit and the counsel has also not verified the adjudication of the court. The petitioner has further stated that his counsel came to know about dismissal of suit at a later point of time and therefore the suit shall be restored.

2. The respondent defendant has resisted this application interalia alleging that the case management schedule was filed on 25.02.2025 fixing the trial on 06.03.2025 and though the plaintiff filed his proof affidavit on 06.03.2025, he marked his documents only 25.03.2025 by absenting himself on 13.03.2025 and there was no representation on the side of plaintiff on 09.04.2025. The respondent has further stated that on 28.04.2025, the PW1 was not present and at request of counsel for plaintiff, the case was adjourned to 09.06.2025 and on that date also, there was no representation which resulted in dismissal of suit and the defendant has not assigned any sufficient reason to restore the suit.

3. When the application was taken up on 25.02.2026, there was no representation on petitioner side. Counsel for respondent argued this application. I have gone through the materials available on record.

The point for consideration in this application is

4. Whether the suit can be restored for the reason shown by the petitioner?.

5. The petitioner had filed the main suit for the relief of recovery of sum of Rs.5,25,000/- based on invoice raised by him towards the alleged supply of goods to the defendant. As correctly pointed out the by learned counsel for the defendant, the counsel for defendant was present in all the hearing from 25.02.2025 to 09.06.2025. The plaintiff occasionally appeared before this court for giving evidence. His chief examination was completed on 25.03.2025 and there after almost three months, he has not appeared before the court for cross examination. The reason that his mother was not well so that he could not appear before this court is sufficient. However the plaintiff cannot be permitted to procrastinate the proceedings. Considering the facts and circumstances of the case, the application will be allowed on payment cost Rs.10.000/- by the petitioner to the respondent on or before 28.04.2026 failing which the application will stand dismissed. Call on 29.04.2026.

In the result, the application will be allowed on payment cost Rs.10,000/- by the petitioner to the respondent on or before 28.04.2026 failing which the application will stand dismissed. Call on 29.04.2026.

Dictated by me to the Steno-Typist, directly typed by him in the computer, corrected and pronounced by me in the open court, this 10th day of April 2026.

GANAPATHI SAMY

Digitally signed by GANAPATHI SAMY
Date: 2026.04.10 19:05:33 +0530

Principal Judge
Principal Commercial Court
Egmore, Chennai.

I.A.No.3 of 2025 Date : 10.04.2026 Principal Commercial Court, Egmore

Draft/ Fair Order in
I.A.No. 3 of 2025
in
C.O.S.No. 177 /2023
Date: 10.04.2026

Principal Commercial Court,
Egmore, Chennai.